

APOLOGIA

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**On the Compared Authority of the Pope and
the Council**

Addressed to the Most Reverend Lord Nicolò Fieschi,

Cardinal of the Holy Roman Church

Dedicated to the Mother of God

PROLOGUE

*In which the reason, intention, and plan of the work
are set forth*

The charity of Jesus Christ and of His holy Church, most Reverend Father in Christ and protecting Lord, compels me — called a dangerous man, a weakener of ecclesiastical power, a forger, a flatterer, and even a blasphemer — to follow in this matter the example of Him who, when He was cursed, did not curse in return; and to respond, for the sake of truth, to the objections raised against the teaching set forth in my little work on the comparison of the authority of the Pope and the Council, dedicated to your most Reverend Lordship. And although there are many objections which learned men — for whom alone I testified in that work that I had written it — could easily resolve, yet since we are debtors both to the wise and to the less wise, and since we ought to be ready to give an account to everyone who asks us of the hope that is in us, the responses must be extended in proportion to the breadth of the objections.

It seemed the most fitting order to set forth and resolve the objections according to the order of the chapters of that little book. These responses will serve, as it were, as a commentary upon it. I ask therefore first of all that everyone bear in mind the formal terms of the argument and the subject matter under discussion, and that they reflect at greater length before passing judgment — lest, by multiplying arguments for the glory of wit, a matter of such great

importance be reduced to a dialectical or even sophistical disputation.

And since common principles must be put before particular ones, and roots before branches, the foundations of this matter must be revisited as broadly and as deeply as my powers allow. It must be understood, therefore, that since positive laws have been added by ecclesiastical authority, and since the question turns upon the very subject of that ecclesiastical authority — the truth of which depends not on positive law but on natural or divine law, or on both — the positive law is to be used here as a cause, and the law of nature and of God as a witness. And by the measure of the light granted to me, there are only two foundations: one from natural law, the other from divine law, upon which the entire edifice of the doctrine that exalts the community of the Church above the Pope — in power, so that the Pope is subject to it — rests. If these are pulled out, everything will collapse. These matters are therefore first to be treated in six chapters, and then each particular objection is to be addressed in order.

CHAPTER ONE

*In which the foundation from natural law is
examined*

From natural law, then, the authority of the community of the Church over the Pope is held to be established. The claim rests on this principle of natural law: that a perfect and free community has the right to provide for itself a ruler, to protect itself against him when he turns his power to its destruction, and to compel, punish, and remove him when he deserves it. If to this principle one adds that the universal Church is a perfect and free community, and that the order of grace established by Jesus Christ does not abolish but perfects nature, then it follows manifestly that it belongs to the universal Church to provide for itself regarding the Pope, to protect itself against him, to punish and even to depose him, and in every way to be above him.

This argument was resolved in Chapter 27 of that book. Nevertheless, treating the same matter at a greater depth, we say the following.

The nature of government, since it is multiple, derives from the very source of nature. For in some cases that which is the natural head of a community naturally resides in one person — as is evident in the government of a household, whose authority naturally belongs to the head of the family. In other cases it naturally remains in the community of the multitude itself — as is evident in the government of a city, setting aside all additionally imposed lordship.

Ecclesiastical government, since it embraces both the domestic and the civic, according to that word of the Apostle in Ephesians 4: ‘You are fellow citizens of the saints and members of the household of God’ — and is therefore something higher than

either — must be considered not from the immensity of divine power, nor from the fittingness of divine wisdom, justice, or goodness (for no word is impossible with God, nor can anything He wills be unbecoming to Him), but from the very nature of the thing as it has been established. Just as we define domestic and civic government from their own natures, so the nature of ecclesiastical government must be discerned from itself.

And since the natural propagation of government, like that of other things, shows that it arises from the nature of the thing, it is fitting to observe that the Church did not take the beginning of its origin, perfection, and authority from individuals or from a community, but from a homogeneous head — namely Jesus Christ — on account of which He said to His Church in John 15: ‘You did not choose me, but I chose you.’

The nature of ecclesiastical government therefore, from its very origin, is such that it does not reside in a community, nor is it derived from a community to one or several persons, as happens in human civil government — but rather it exists by its own nature in one certain ruler. And since this one and same ruler, the Lord Jesus, lives and reigns yesterday, today, and forever, it follows by natural consequence that it belongs to this ruler himself — not to the community of the Church, which is born a servant — to appoint a vicar in his absence. And our Savior Himself deigned to carry this out in person, when He appointed the Apostle Peter alone as His vicar after the resurrection, before He ascended into heaven, as is clear from the last chapter of John.

It follows therefore that, just as the ruler of the Church holds his authority naturally not from the community of the Church, so too his vicar holds his authority naturally not from the community of the Church, but from Jesus Christ. It is therefore clear first of all that the community of the Church, considered according to its own proper nature, is not of such a nature that it belongs to it to provide for itself a ruler — and therefore neither does it belong to it by its own nature to punish, depose, or do similar things against its own ruler — because it is, as has been said, born a servant.

It is clear secondly that the community of the Church, taken according to its own proper nature, is not of such a nature that it belongs to it to institute or depose the vicar of its ruler, who is called the Pope. And if the community of the Church has any power in disposing of the vicar of its ruler, whatever that power may be, it does not hold it from its own nature but from another source.

From all of this it is easily apparent that the foundation from natural law for the power of the Church over the Pope has been torn up. For the argument falsely assumes, in saying that the Church is a free community with respect to the right of governance — although it is supremely free with the freedom of grace — when in fact the very opposite has been shown to follow from the law of nature itself, given the nature which God has established for the Church.

Hence the order of grace does not abolish in the Church the natural order which was born to exist

therein. For the order which was born to exist in the Church is not such that the right of governance belongs to it — and grace abolishes that order — but rather the order which was born to exist in the Church by its own nature is such that the right of governance resides not in itself but in its natural Lord. And it follows as a consequence that grace does not abolish this natural order in the Church but perfects it, and that the wisdom of Jesus Christ, disposing all things sweetly, embraces it.

It is also quite easily apparent from this root that everything which is brought forward as belonging to a mystical body with respect to the right of governance does not belong to the community of the Church by its own nature. I say that what belongs to the right of governance is to be distinguished from what belongs to private persons — as, for example, the right to repel force with force within the bounds of permissible self-defense, and to take a sword from the hand of a madman, and whatever is of this kind. If we discern these things carefully we shall not err.

The infallible sign of the servitude of the community of the Church — which shows that it does not belong to the right of governance — is that it cannot retain governance for itself, nor commit it to two or three persons. For it is manifest that a free community can do these things. It can govern itself, it can institute a triumvirate, and other things of this kind, and even stand above the king whom it elects. That the Church cannot do this is manifestly evident — otherwise it could either place the jurisdictional power of the Pope in several places at once, or institute some office above the Pope with respect to

jurisdiction and the governance of the Church, in one or more persons thus named and designated, which would govern the Church and the Pope in place of the community of the Church itself.

Since therefore natural law, founded upon the very nature of the Church, does not institute the Church above the vicar of Jesus Christ, it must be examined whether from another source — namely from divine law — the community of the Church has this right.

CHAPTER TWO

In which the foundation from divine law is examined, and for what the word “Church” stands when it is said: “Tell it to the Church”

Although this is affirmed by many, and was defined in the Councils of Constance and Basel — that from Christ the Prince Himself the community of the Church has immediate power over the Pope, His vicar — nowhere in Sacred Scripture, in which divine law is promulgated, is this held to be stated except in Matthew 18, where the Lord says: ‘If your brother sins against you,’ and so forth. And He adds: ‘Tell it to the Church; and if he will not hear the Church, let him be to you as a Gentile and a tax collector. Amen I say to you, whatever you shall loose on earth shall be loosed in heaven, and whatever you shall bind on earth shall be bound in heaven.’

In these words it is clear that it is given to the Church — not to any one member of it (for the Church signifies not some member but the collection of them) — to hear, excommunicate, bind, and loose every brother, and whatever things are on earth. For the plural form ‘whatever you shall loose’ is used in order to show the authority of the Church. From this text it appears first that the Church has immediate authority from the Lord Jesus Christ. For He said this to the Church directly, no less than to Peter when He said ‘Feed my sheep’ and ‘Whatever you shall loose on earth,’ and so forth.

It appears secondly that since the vicar of this ruler is a brother of every faithful person, according to that word of Matthew 23: ‘You are all brothers’ — if he sins against me, his offense can be denounced to the Church and the process described can follow. It appears thirdly that because it belongs to the same power to be the ordinary judge of the vicar of the ruler, and to dispose of him and of all the individual members of the Church — from this same text, the community of the Church has been constituted as simply superior, for the purpose of disposing of the Lord’s vicar and of the other members of the Church.

This argument was treated and resolved in multiple ways in Chapter 9 of that little book. Nevertheless it must be repeated at greater length and depth — if that is possible for me — because everything depends upon it. And since we know principles from their terms, let us first examine in what sense the word “Church” must be taken here, when it says ‘Tell it to the Church, and if he will not hear the Church,’ and so on.

For the phrase must be verified of the Church either universally — that is, of every Church — or particularly of the universal Church, or of the Church simply speaking, or of some determinate Church, or of the Church indefinitely, not determining this one or that one. For since the discourse concerns the Church in the act of hearing and judging, there can be no other way in which this can be verified of the Church. For it must belong either to all churches, or to some church, or to the whole universal Church to have this judgment given by the Lord.

And indeed that the discourse is not particularly about the universal Church alone is proven by this: that the commandment of the Lord concerning the denunciation of a neighboring brother's sin does not oblige me to have recourse to the universal Church. For it is not necessary that, if my neighbor sins against me and witnesses have been brought in and he remains incorrigible, I must speak to the council of the universal Church — as is evident. And yet if this discourse were about the universal Church alone, the Lord's commandment would oblige one to speak to the universal Church in this sense. For the sense would be: 'If your brother sins against you, tell it to the universal Church.'

Furthermore, if in this text the power of the universal Church is given — since the same power is not given more intensively to Peter (for the same power was given to both, since to each is said 'whatever you shall bind or loose on earth,' and so forth) — how does the community of the Church claim for itself a greater jurisdictional power than Peter? And how again did Christ, eternal wisdom,

institute in the Church two equal intensive powers without a third above them? For they would mutually impede each other, since an equal has no authority over an equal. And how did He leave the sheep perplexed or free — to obey whichever they wished, or neither, or both commanding contrary things at once — which is impossible?

It is therefore not the discourse of the present text about the universal Church alone. And it is also evident from this that it is not the discourse about the Church simply speaking, as it is distinguished from the Church in a particular sense — that is, such a Church as, say, the Milanese or the Bolognese, and so forth. For this is nothing other than saying that it is the discourse about the universal Church, which has been excluded.

And since there is no greater reason for one Church than for another, it is therefore clear that it is not the discourse about any determinate Church — nor about all churches collectively or distributively, for the reason given above — since I am not bound to denounce to all churches a brother who sins against me. But the discourse is about the Church indefinitely or indefinitely. So that the judgment of a sinning brother was given to the Church without determining this one or that one.

And since actions belong to individuals, and the plaintiff follows the defendant's forum, it is determined in each case by the Church of the sinning brother — that is, the Church of the sinner. So that the literal sense of that text is: 'If your brother sins against you, tell his Church — and if he will not hear

it,' and so on. And this without doubt obliges the commandment without any inconvenience, and is confirmed by the common conception of minds and by the custom of the Church. For the teaching of the Lord thus understood disposes all things sweetly. Nor should you be misled by misunderstanding the Church of the sinning brother — for his Church is not only his own proper one, but any other that has jurisdiction over him, as is evident.

CHAPTER THREE

*In which it is discussed what "Church" signifies
when it is said: "Tell it to the Church"*

On this word "Church" again, it must be seen what it signifies in this text when it says "Tell it to the Church." And lest we seem to wander amid a multitude of interpretations, let it be granted that the word "Church" is properly taken to mean a convocation or collection of the faithful. Now those on the other side say that the Church in this passage signifies the community of the faithful — not in themselves, but in their representatives — whether the Pope is present or not. But that this is not the literal sense is clear from the following: in one and the same signification the name "Church" must be understood in this text with respect to whatever sinning person's Church it may be. For as has been

shown from what was said above, it is said indefinitely "Tell the Church of the sinning brother" — that Church being the one bound to hear him — and no more of the universal than of the particular, nor the reverse. It must therefore univocally signify the Church both when it is applied to the universal and when it is applied to the particular, as is evident.

But it is established that when one must denounce to the Milanese Church the offense of his brother, the Lord does not command that he speak to that Church — that is, to the community — whether the bishop is present or not. Therefore, when the command is given to speak to the Church indefinitely, it is not understood as the community whether the head wishes to be present or not. Hence it must be known that although from the force of the word itself "Tell it to the Church" doubtless signifies the convocation of the faithful, yet from the context of the letter — which then subjoins "Amen I say to you, whatever you shall loose on earth," and so forth — it is understood not of any convocation of the faithful whatsoever, but of an authoritative one. Otherwise a convocation of the Milanese faithful without their bishop would have from the Lord the power of judging, and so forth. Therefore "Tell it to the Church" and "Tell it to the authoritative convocation" are equivalent. But it is established inductively in each particular church that an authoritative convocation does not exist where the head of that convocation is absent — and therefore neither does an authoritative convocation of all the faithful exist where the shepherd and rector of all the faithful, who is the

Pope, is entirely absent, that is, both in his own person and in that of another.

And the discourse is about the authoritative convocation simply and absolutely, and not in some respect — as, for instance, with respect to the deposition of a heretical Pope, or a future election, and so forth. We inquire whether there is superiority simply and absolutely. It is further explained what we mean — namely, that the prelate of that Church is included in the name "Church" in this text. For if the prelate is not included, it is necessary to say one of two things: either that the community of the faithful in some particular church has, even against the will of the bishop, jurisdictional power from the Lord — the power of excommunicating, and so forth — or that it was not said to the community "Tell it to the Church," and similarly that it was not said to it "Whatever you shall loose on earth," and so forth.

The consequence is evident: because authority was given to the Church, and if by the name "Church" the community is understood, then the community has authority whether the bishop wishes it or not. And if it does not have it, the consequence follows that the community itself is not signified by the name "Church" in this passage. Now the first of these two cannot be affirmed — therefore the second is true. In confirmation of which, the gloss of the sacred doctors agrees: "Tell it to the Church — that is, to the prelate, as to the head of the convocation." For according to this sense, even the one who is himself Pope can denounce the crime of another to "the Church" — that is, to the authoritative convocation — as Pope

Nicholas, in the case of King Lothaire, writes in a commanding tone, as is clear in distinction eleven, question three, chapter "especially." Nor is it an objection that he himself is the head of it — for this is accidental, namely that the one denouncing and the prelate of the convocation coincide in one and the same person.

And if the context of the Gospel is carefully noted, the Lord wishes an authoritative convocation to be employed, in which the vigor of counsel would come from the multitude of those convened, while the authority of judgment would come from the authority of the prelate — on account of which He also turns the discourse from the Church to the prelates. For having first spoken of the Church — "Tell it to the Church, and if he will not hear the Church," and so forth — He did not then add "Amen I say to you, whatever the Church shall loose on earth," but added "Amen I say to you, whatever you shall loose" — indicating by these words that correction is indeed to be handled by the common counsel of the convocation, but that binding and loosing according to what has been concluded by the Church is to be done by the authority of the prelates. And He said "you shall loose" in the plural either on account of the plurality of those convened for deliberating and concluding, or on account of the plurality of heads in the many churches of which He had spoken indefinitely when He said "Tell it to the Church."

CHAPTER FOUR

In which it is discussed whether the Lord by those words of Matthew 18 gave immediate power to the Church, and how much power He gave it

Although from the supposition and signification of the word "Church" in this text it is manifest that the present passage is not restricted to the universal Church alone — but that the discourse is distinctly about the Church — yet it still remains obscure, and must therefore be clarified, whether the Lord gave immediate jurisdictional power to the Church indefinitely, and how much authority He gave it.

Now the reason for the obscurity in the first point is this: if the Lord gave immediate jurisdictional power to the Church of the sinning brother — since every church is such — it follows that every church has immediate jurisdictional power from the Lord. But this does not sound right. If however He did not give it to every church of the sinning brother — since there is no greater reason for one than for another — He gave it to none in this text. But this is not admitted.

The reason for the obscurity in the second point is this: the words spoken to the Church in this text contain equal power to the words spoken to Peter — namely "whatever you shall loose on earth shall be loosed in heaven, and whatever you shall bind on earth shall be bound in heaven." But it does not sound right that there should be equal intensive powers of jurisdiction in the Church with no third above both of them.

For the clarity of this principle I think it best to proceed by the destruction of the opinion held by others, so that truth may shine forth even in this way. It must be said therefore, first, that the Lord giving immediate power — "whatever you shall loose" — to the community of the universal Church is repugnant to the order between the Pope and the Church: because, as has been said, it posits two equal intensive jurisdictional powers in the Church having no third above them directly ordained by the Lord — namely the community of the universal Church and the Pope. The consequence is clear from the texts of Matthew 16 and Matthew 18, where, as has been said, the same words are read as spoken to each. And although this is in itself inconvenient, it is shown to be greater still if we consider how Christ, eternal wisdom, instituted a plurality of powers in the Church — how two powers would mutually impede each other — how the sheep of Christ would be perplexed or free either to obey one or the other at will, or neither, or both commanding contrary things at once, which is impossible.

And what is more: if immediate power were also thus posited as given to the universal Church, from what source would the community of the Church claim power over the Pope who holds equal power — since an equal has no authority over an equal? For since the power is intensively equal, by what reasoning would the Church have jurisdiction over the Pope (because he is a member of it, since it was said "If he sin, tell it to the Church") — by the same reasoning, because the Church is the sheep of the Pope, since it was said "There shall be one fold and one shepherd," the Pope

would have jurisdiction over the community of the Church — or neither over the other.

It must be said secondly that the Lord giving immediate power — "whatever you shall loose," and so forth — to the community of any church whatsoever is repugnant to the custom of the Church. And the discourse is always about the community of the Church as the adversaries understand it — that is, whether the prelate is present or not at all. This is clear from the common custom of the Church, by which such a community cannot absolve or bind against the will of its bishop and the Pope — which it could, however, if the community of any church whatsoever had the power immediately from the Lord.

It must be said thirdly that the Lord giving immediate power — "whatever you shall loose on earth," and so forth — in its full amplitude to any church whatsoever that is authorized by its proper head, except the one whose proper head is the Pope, is repugnant to the essential order and profession of the Church. To the essential order, indeed: because if from this passage supreme authority is asserted as given immediately by the Lord to every church authorized by its proper head, as the Lord speaks indefinitely, two things must be said: first, that every church has immediate authority from the Lord; second, that every church has equal intensive jurisdictional power from the Lord — although one exceeds another extensively, and the universal Church exceeds all. And both consequences are proven: because it was given to churches indefinitely,

immediately, and equally, as is clear in the letter and from what has been said — and no more to one than to another, as is evident there. And from this it further follows that both parts of the contradiction are true simultaneously — namely, that one church is simply superior and that another is not simply superior. For from the fact that every church has power over its own subjects from the Lord, it follows that one church — say, the universal one — is simply superior to any particular church, as being its member, and thus can dispose and ordain concerning it, and ordain something concerning its power, annulling what has been done otherwise. But from the fact that every church has equal intensive jurisdictional power immediately from the Lord, it follows that the universal Church cannot subtract anything from the jurisdictional power of the particular church. For a power given to someone by a ruler cannot be taken away by an inferior. And consequently it follows that the universal Church is not simply superior in jurisdictional power with respect to the particular church.

For the power of one who is simply superior in jurisdiction is to be able to annul the act of the inferior if he does so. The remaining inconveniences which follow from the equal intensive jurisdictional power in each church (such as that a subject is not more bound to obey the universal than the particular — since an equal has no authority over an equal — that whatever is done by one can be impeded by the other, and the rest) are left to be deduced by those of even middling learning.

And this is also repugnant to the profession of the churches: because when the Pope makes reservations or prohibitions, and so forth, the other churches confess that they do not have the power of jurisdiction in the reserved or prohibited matters — which they would not truly say if they had received that power immediately from the Lord.

And the discourse is always in such matters about giving power by ordinary law. From all of which it is concluded that since this power, so ample, pertains to Peter's Church alone, and these words were not said to Peter's Church alone — through these words, either no ordinary jurisdictional power was given, or not power so ample as that given to Peter. And truly this is so. For the words of the Lord manifestly contain jurisdictional power in the Church — nor is this to be called into doubt — but it does not follow that such power was given by the Lord through these very words.

This is made clear both by going through the individual words and by reason. Going through the individual words: for by that word "Tell it to the Church," no power is given, but a denunciation is commanded — for "tell it to the Church" is equivalent to "tell it to the judge," where it is clear that jurisdiction is not given but denunciation is commanded. By the word "And if he will not hear the Church, let him be to you as a Gentile and a tax collector" — since this is equivalent to "and if he will not hear the judge, let him be to you as a Gentile and a tax collector" — it is manifestly clear that no power

is given, but rather in the case of stubbornness the avoidance of him is indicated by the Lord.

By that final word "Amen I say to you, whatever you shall loose," and so forth — no power is given at that time either. This is clear from the fact that not even to Peter were power given by those same words, "whatever you shall loose," and so forth, at that time — but after the resurrection of the Lord, when it was said to him "Feed my sheep."

By reason: for the jurisdictional power contained in these words of the Lord was either given to the Church at that time, or was not given at that time. For between these, since they are contradictory opposites, there is no middle. If not, the intention is achieved. If it was given at that time to the Church — then to every collection or convocation of the faithful to which the name "Church" truly belongs, immediate jurisdictional power was given by the Lord. But this pertains to the heresy of the Poor Men of Lyon, who say that wherever the faithful are gathered in the name of the Lord, there is power — on the grounds that power follows the sanctity of the person. For this differs from that position only in one versus many.

And the consequence is clear: because the Lord, speaking indefinitely of the Church, extends the precept and sentence to whatever church of the sinning brother it may be. But it is established that a collection or convocation of the faithful without any prelate among them truly has the name "Church." And it is confirmed that of such a collection it must be conceded that the Church is said to exist there — because what is, is not made; and to one who has,

what he has is not given. If therefore the Church through these words comes to have power, then the Church that does not have authority receives it from here. And since there is no greater reason for one than for another, the same follows as before — namely, that every collection of the faithful from this passage would have received jurisdictional authority. If it is said that by the name "Church" here is understood the authorized collection of the faithful, then the argument previously given about the essential order of the churches runs — and it is an obstacle that what is had is not given, and that what has power does not come to have power. Since therefore from what has been said it is clear that jurisdictional authority is contained in the Lord's words and was not given through these words — it must be said that through these words the Lord, beyond the precept concerning fraternal correction and denunciation and its order, expressed at the letter the efficacy of ecclesiastical jurisdictional power through those words "If he will not hear the Church," and so forth, and "whatever you shall loose on earth," and so forth — showing that the sentence of the Church is of such efficacy that it is to be observed by us without doubt, and is confirmed in heaven.

And this alone the Lord did through those words — for He presupposed that the Church had power elsewhere. And it can be admitted that He promised it through those words "whatever you shall loose." But for either of these — namely that the power was presupposed and promised — it suffices if it was given at some point. And similarly, as to the manner, whether it was given mediately or immediately. To

Peter, indeed, and through him to his Church, He gave power immediately after the resurrection, saying "Feed my sheep." To the remaining churches, through Peter, according to the ordinary course — although dispensatively through the other Apostles, to whom it can be conceded that this was promised.

The literal sense of the Lord's words is therefore that the power of any authorized church over those subject to it would be so great in the future that its sentence both before men and in heaven would be valid. And this sense is to be embraced, as one to which all things accord: the sequence of the text, the sense of the words, the authorities of the saints, the custom of the Church, and the avoidance of all inconveniences — all of which, for the reasons already given here and in that little book, I omit to pursue. It seems sufficiently clear, and that it suffices for the Lord's promise that the exhibition which He made ordinarily through Peter, and through the other Apostles by way of legation, to all churches, was sufficient.

CHAPTER FIVE

How the Church has the jurisdictional power which is contained in the Lord's words — whether by reason of its totality, or by reason of a part

Since it is established that the Church of which the Lord speaks has jurisdictional power — however much that power was not given to it through those words — and since this can be understood in various ways, it seems fitting to discuss the manner in which jurisdictional power resides in the Church. It must be known therefore that there are two ways in which the Church can be understood, in the literal sense, as commanded by the Lord to be told the offense of the sinning brother and as having jurisdictional power in the external forum of which the discourse treats: according to two ways in which something is verified of the Church (which signifies a certain whole) — first by reason of a part, second by reason of its very totality or whole.

Just as of a man, who is also a certain whole, we say that he sees, that he hears, and so forth — and this is verified by reason of a part, because he sees through the eye, hears through the ear, and so forth — and again we say of the same man that he is the most perfect of animals, that he is a political animal, and things of this kind, and this is verified by reason of the whole itself, as is evident.

And indeed that of the Church by reason of a part — namely the head — it is verified that it has the jurisdictional power of binding and loosing in the external forum is not in doubt. And in this way alone (as will be further proved) can the Gospel's discourse be literally verified that the Church has power. But that this is verified of the Church by reason of the whole itself can be imagined in several ways.

First, by taking the Church as a quasi-homogeneous whole — that is, of similar nature throughout — inasmuch as the Church is a collection of the faithful: for all the faithful insofar as they are faithful are of one nature. And the sense would thus be that the Church — that is, the collection of the faithful — has jurisdictional power. And if the command "Tell it to the Church" is understood in this sense, it follows that since in faith there is no difference of sex or status, the church of laymen and of women would have jurisdiction in the external forum. And the consequence holds: both because all the faithful are of the same nature, and because if it happens that in some church all the clergy die, there remains there truly the Church in this sense — that is, the collection of the faithful — and consequently according to this fantasy it would have the power of excommunicating. Indeed if one considers well — taking the Church as a homogeneous whole, since faith alone is its nature — it is accidental to that whole as such that some part of it is the clerical state, because in that whole as such power is not posited.

Second, therefore, it can be understood by taking the Church as a heterogeneous whole — that is, of dissimilar nature — inasmuch as the Church consists of all its official members: say a bishop, a priest, a deacon, or other members however they may be assigned. For this whole is like a body consisting of eyes, hands, and so forth. And the sense of "Tell it to the Church" would thus be: tell it to the complete convocation of the members of the Church. And if in this sense it is understood that the whole itself, by

reason of its totality, has jurisdictional power, three things are an obstacle.

First: equal power intensively would be posited in every church, since one power only was named by the Lord, and no more of one than of another church, as is clear in the letter and from what has been said above.

Second: there would be greater intensive power in the Church than in the words "Whatever you shall bind on earth," and so forth. And the consequence holds: because the power of the whole church by reason of its totality is posited as superior even with respect to the papacy. But the falsity of the consequent is clear even from the Lord's own words, repeating the same words He had said to Peter — namely "whatever you shall loose on earth."

Third: this power would not have been given by Christ immediately at Matthew 18. But this is the entire foundation of those men. And the consequence holds: because at that time the sacrament of orders had not yet been instituted — which is established to have been instituted simultaneously with the sacrament of the Eucharist, the day before the Lord suffered. Therefore the Lord did not then give to the Church — that is, to the community of priests, deacons, and bishops, who make up the general Council — jurisdictional power: because there were no priests, no deacons, no bishops, no clerics. And to what does not exist nothing is given. And if it is said that the Lord at that time did not give but promised that He would give, through those words "Whatever you shall bind," and so forth — I have my intention:

that nowhere in Sacred Scripture is it held that the Lord through Himself immediately gave to the community of the Church jurisdictional power. And if it is urged that He fulfilled what He promised, the response is clear that He did not promise that He Himself through Himself would give it immediately, as is clear from the letter — and therefore it was not necessary that He should have observed this. For He would have sufficiently fulfilled His promise, as He did in truth actually verify those His words through Peter in all the churches.

Since therefore of the community of the Church — however it may be taken — the words of the Lord in Matthew 18, in which the entire foundation from the authority of Scripture rests, are not verified by reason of its totality — and the entire opinion of the adversaries stands upon this, that the community of the Church by reason of its totality has immediate power from the Lord — it follows as a consequence that the Lord's words are verified of the Church by reason of a part — namely the head — as has been said. And therefore the common conception of the faithful is: "Tell it to the Church" — that is, to the ecclesiastical prelate, by reason of whom the Church itself has that power.

CHAPTER SIX

How it can be understood (condescending to the sense of many) that the Church, by reason of its totality, can and sometimes does have a certain

jurisdictional power

It must also be observed, lest we be deceived when we sometimes see jurisdictional authority in the Church by reason of its totality, and on that account judge falsely what has been said above. For we have not taught, nor do we teach, that jurisdictional power does not pertain to the Church at all by reason of its totality — but that it was not given to it in this way by the Lord Jesus Christ immediately through those words of Matthew 18.

For I do not deny that the Eastern bishops, coming together, can form as it were one body and one authority from their own powers, subjecting even themselves to it — and thus that power, existing in that whole body by reason of its totality, will stand above those churches and will exercise acts of jurisdiction. But that power will be able to do nothing except what can arise from the individual powers and their subjects. Therefore if something were reserved to the Roman Pontiff, that power could not absolve from it. And similarly all the prelates of the whole world, with the Supreme Pontiff dead or without him — if they came together, communicating and unanimously constituting one body — would constitute in that whole synod one power over all the churches: with these exceptions, however, which are proper to the Supreme Pontiff.

Similarly, when the Pope celebrates a council with the remaining prelates of the world, he simultaneously with them constitutes, absolves, condemns, and so forth — communicating with others he seems to act

as one of them. In all these cases and similar ones, there is no power given immediately by the Lord Jesus Christ to the community itself in the first place — nor is there any extraneous power from the partial powers — but rather a total power arising as it were from the partial ones.

For just as in natural things it is found that a form differs from a form in two ways — namely as one form separated from another, as the form of the sun from the forms of mixed things; and as the form of the whole from the form of a part, as humanity from the soul of a man — so the power of the Pope differs from the others in the first way, and the power of the synod differs from those from which it is accumulated in the second way. And this power in the whole synod is through the way of communion or accumulation in common, from the individual parts more or less liberally, as seems fit to the parts and especially to the head — who is never understood to accumulate his entire authority in common, but as much as is expedient for treating those matters.

In sign of which, the Pope is not understood to subject himself to the coercive power of the synod, however much he may consent to the common statutes of the synod for all persons of the Church. And from this it is clear that if the whole Church without the Pope were to place someone over the care of a church, he would be subject to the Pope and could not absolve from a papal case — which would not be so if the Church had universal and full power immediately from Christ by reason of its totality, without the Pope.

And similarly, the Pope can, insofar as it is from the authority of power, remove the statutes of a general council even made with his consent and authority — which would not be so if the whole Church by reason of its totality had universal and full power from the Lord Jesus Christ.

From all that has been said it is therefore clearly apparent that the root supposed from divine law of the power of the Church over the Pope has been torn out. And thus since the foundation of both natural and divine law has been taken away, we must descend to the individual objections.

CHAPTER SEVEN

In which it is proved from those authorities — "Feed my sheep," "There shall be one fold and one shepherd" — that the Pope is above the community of the whole remaining Church

I said in Chapter Three of that little book that the Lord so ordained the governance of the Church as to institute Peter as Supreme Pontiff, from whom ordinary power in the rest of the Church was to be derived; and that He gave power to the other Apostles by way of gratuitous prevention.

It is objected against this: that in the Church there was elective power of the Pope before Peter was Pope — and therefore, with greater plausibility, one would

say that when Christ made Peter Supreme Pontiff He prevented the Church, and conferred upon Peter as a gift what the Church could have ordained from Christ's institution — just as He prevented Peter by giving the Apostles power. The antecedent is proved: because the elective power is in the Church from Christ, from Matthew 18, and so forth.

I respond that the assumption is false: for since the election of the Pope is the election of the vicar of a ruler, and ordinarily the election of the vicar of any living and present ruler belongs to that ruler himself — it follows as a consequence that since the Lord, up to the day of the Ascension, was present in the Church as a present ruler, the election of His vicar ordinarily belonged to Him at that time. Nor is it found anywhere that in Matthew 18 or elsewhere the Lord gave the Church the right of electing His vicar while He Himself was present. Hence the Lord, not by preventing but by instituting and executing what He had promised in Matthew 15 — "I will give you the keys of the kingdom of heaven," and so forth — and in John 10 — "There shall be one fold and one shepherd" — instituted Peter as Pope and the papacy simultaneously. Furthermore, as is clear from what has been said above, the elective power of the Pope was not given to the Church through Matthew 18. How and from where the elective power of the Pope resides in the Church will be stated below in Chapter 13.

And note here that the prevention of which I spoke is grounded upon the determination of the Church herself and of the saints. For that from Peter the

power was ordinarily to be derived into the rest of the Church's body, Leo makes clear in the chapter "Thus the Lord," distinction 19. That the Lord also instituted him by the ordinary way is had from the fact that He instituted not him alone but in him all his successors — for this belongs to one who is establishing, not one who is preventing. Just as on the contrary, because He made the other Apostles legates only in their own persons and not in their successors, this pertains to gratuitous prevention. For the Church confesses the successor of Peter alone in the universal power, recognizing this.

And through this it is also clear that before Peter was instituted as Pope, there was not in the Church elective power of the Pope. For the Church has now as much power as then — since the Pope could not take it away, and the Lord who gave it by instituting did not immediately find it by preventing in the institution of Peter. Just as therefore it could then have elected any other bishop as Pope, so after Peter's death — who was made by grace by the Prince — it can institute another bishop as Roman Pope. And thus the Roman Pontiff should acknowledge himself to be prelate above the others from the Church's conceding, not removing at least — the opposite of which Pelagius teaches in the chapter "Who," distinction 21: "The holy Roman Catholic and Apostolic Church is not made prelate over the other churches by any synodal constitutions, but obtained primacy by the evangelical voice of the Lord and Savior."

Furthermore, if the Lord immediately gave this elective power of the Pope to the universal Church — by what presumption did the Roman clergy and its people and so forth usurp to themselves this elective power of the Pope for so long a time before it was established or approved by a general council concerning the electors? With what conscience did so many holy men — taking the election committed by Christ to the whole Church, without consulting the others — handle, make, accept, and exercise it? But there will be fuller discourse on these matters — these things have been said to show the falsity of the assumption in this objection.

I said in Chapter 4 of the same work that the sentence of John would have prevailed over the sentence of Pope Clement in the teaching of faith. But the objection of contradiction is properly to be treated in Chapter 9.

I said in the same Chapter 6 that the Pope is the head of the universal Church — and not only of the individual members, as the enemies of truth gloss it.

It is objected against this in two ways. First, because it is false that the Pope is the head of the universal Church taken collectively: both because the Church is not of Peter's but of Christ's — according to that of Matthew 16, "Upon this rock I will build my Church, not yours" — and because the Pope is the minister of the Church, not its lord: the Church being that to which ministry is rendered, and thus the greater — according to the saying of the Savior "Greater is he who reclines than he who serves" — and because all the authorities saying the Pope is the head of the

Church are understood of the Church for the individual particular churches, with respect to which he is the ministerial head, and not for the whole Church collectively.

Second, because although it be conceded that Peter is the ministerial head even of the whole universal Church — nevertheless not every property of the head need be saved in him, and especially superiority in authority with respect to the whole remainder: and this especially because the whole Church is not called the body of Peter, but the body of Christ, as is clear in Romans 12. And this is confirmed: because a king is called the head of the kingdom — not however on that account is he superior to the kingdom gathered together, but to each part of it.

I respond. And to the first proof of the first point — that the Church is not of Peter but of Christ — this does not argue that Peter is not its head, but that Peter is not its head of himself, but in the place of Christ, as is evident. And to the second proof — that Peter is the minister of the Church as that to which ministry is rendered — this is not to be inferior in power, but in exercise: as the Lord Himself says of Himself that He came to minister; and the Pope calls himself the servant of the servants of God, and this is true. That the Church is greater than the Pope — as the end is greater than what is ordered to the end — is verified in that it is better. For in those things which are not great in mass, the greater is the same as the better, according to Augustine. The papacy indeed is on account of the Church, and not the reverse. Hence from the fact that the Pope is not a lord but a minister

and the Church is greater in goodness and nobility — this has nothing against the power of the head, against which the argument tends.

To the common gloss finally it is said that although many authorities could be so glossed, not all are capable of it: as was shown in the book. And to the second point it is said that the Church is not the body of Peter but of Christ — this is true, because Christ is not only its mystical head but its mystical subject: as is clear in Ephesians 1, where two things are said of Christ — namely that He is the head of the Church and that the Church is His body. And in First Corinthians 12 it is expressly said: "For just as a body is one and has many members, and all the members of the body, though many, are one body — so also is Christ." But from the fact that the Church is the body of Christ and not of Peter, it does not follow that Peter is not the head in the place of Christ — but that Peter is not the one who acts through the members of this body, but Christ, who acts through Peter and the others.

And similarly it does not follow that that head in the place of Christ is not superior in authority to the rest of the body of Christ — as is manifestly clear. To the confirmation it is said in two ways. First, that no one says that from being a head of a multitude in whatever way it may be, jurisdictional power over that multitude follows — since a thing can be called the head of another in many metaphorical ways. Now the Pope is head in this way — that he is pastor, bishop, and rector of the whole Church and not of the individual churches alone — as was proved there by authorities

and by reason. It is said secondly that just as a king is the head of the kingdom and thus superior to it — and therefore a king who depends on the kingdom collectively is not the head of it and thus is not superior to it, but to each of its parts — a king, however, who also does not depend on the kingdom collectively (as is the king of kings) is head even of the whole assembled and superior to it. Hence to argue from being head in a king who depends on the kingdom to being head in the Pope is not right: because the Pope does not depend on the kingdom of the Church nor does he bear the vices of the Church, as such a king bears the vices of the kingdom — but is solely the vicar of Jesus Christ.

CHAPTER EIGHT

In which it is shown that the Council of Constance, at the time it first issued those decrees concerning the power of the synod, was not a true council of the universal Church; and that the Council of Basel erred in following it

I said in the eighth chapter that the Council of Constance, at that first time when it made those decrees concerning the power of the synod, was not a true council of the universal Church; and that the Council of Basel erred in following it.

It is objected to in two ways. First, that I have blasphemed. Second, that the Council of Constance under the obedience of John XXIII was a true universal council, because it succeeded the Council of Pisa, in which there had been the union of the Church, with both popes deposed — namely Gregory XII and Benedict XIII — and Alexander V elected, whom John XXIII succeeded, who convened that Council of Constance.

I respond. And first as to the Council of Constance. If I have blasphemed, why did Gregory XII — who expressly refused in the act of the union of the Church to recognize that council as a council at that time — come to be regarded not as a blasphemer but as a man of peace and a lover of the Church, as is clear from the acts of that same council in its fourteenth session? Why did the obedience of Benedict XIII — between the articles of union and in the act of the union of the Church, willingly and deliberately refusing to recognize such a council as a council at that time — come to be regarded not as blasphemous but as devoted to Catholic unity, as is clear in sessions twenty and twenty-two? Why did the Emperor Sigismund, who presided over that council, in order to satisfy the refusal of that council, come to be regarded not as a blasphemer but as a defender of the Church? Why, finally, did that very Council of Constance itself — when it denied itself in act to be a council, not once but twice: first in accepting the presidency of the emperor and being authorized as a council by Gregory XII; second in accepting itself convoked by the obedience of Benedict XIII and in convoking that obedience — not blaspheme?

And if scandal ought rather to be permitted than truth be abandoned by any individual person, how did the universal council, guided by the Holy Spirit, prefer to abandon truth rather than permit scandal already born, by denying itself in act? From these things, rightly considered, it is clear that that council did not regard itself as a certain and undoubted council at that time — and on that account admitted such denials, giving effort that one certain and undoubted council might be made, with an undoubted head, as it finally was. In what therefore do I err, if I held doubtful and uncertain things as doubtful and uncertain? For it is established that doubtful and uncertain things are to be rejected in place of true authority, and to attribute authority to them is not praiseworthy.

As to the second objection concerning the succession to the Council of Pisa, it is said that neither is it established that that council was certain and undoubted — as, setting aside other things, is clear from two considerations. First, because this assertion would renew the ancient schism. For what else is it to say that that Council of Pisa with Alexander V was certain and undoubted, than certainly and undoubtedly to condemn Gregory XII and Benedict XIII with their obediences? But this is to return to that schism. Second, because the Council of Constance itself under the obedience of John XXIII — although it believed itself to be a universal council succeeding the Council of Pisa — nevertheless testified in act that it did not hold this as certain and undoubted, as is clear from what has been said.

There is added to this that it was defined without the Pope — and on that account, even if it had been all the rest of the Church representatively, it could have erred, and would not have been a general council simply perfect, as is shown in the little book. As to the Council of Basel, however, I repeat the response of the universal Church, which adored Eugene, which celebrated the universal council of Florence with the Eastern Church too, in matters of faith and so forth. If I have blasphemed, who excuses the Church from blasphemy?

CHAPTER NINE

Responses to objections against the statement that when Peter received the keys he signified the Church — and that the keys are understood to have been given through the office of the head in Peter and his successors

I said in the same ninth chapter, glossing the words of Augustine — "When Peter received the keys he signified the Church" and similar things — that these were said in this sense: because this office of the head perpetually in Peter and his successors was given, and on that account in the person of the Church Peter is said to have received these things.

It is objected that this sense was not intended by Augustine: because it would follow that the keys were

given to the Church finally and not formally — the opposite of which Augustine wishes there.

I respond that the consequence does not hold — indeed from that sense it follows that the keys were given to the Church formally: both because what is given to the head formally is truly also given formally to the body of which that is the head; and because what was given to the head and body formally, though to the body through the head, is established to have been given to the whole formally. And so it is in the matter at hand, as is evident.

But the argument beyond this fails in the equivocation about the Church — from the integral Church on earth, that is with head and body, of which Augustine speaks, to the Church as only the body, as though it were one integral whole, of which the Pope is the vicar. Which is fictitious. Furthermore the sense assigned by me is confirmed from the fact that I expounded Augustine from Augustine himself. For he says in the book on the Christian struggle: "Not without cause among the Apostles does Peter sustain the person of the Catholic Church — for to this Church the keys were given when they were given to Peter; and when it is said to him 'Do you love me? Feed my sheep,' it is said to all." Thus he. For it is established that to Peter, as distinct from the others and for himself and his successors, the papacy was given through those words "Feed my sheep," John, last chapter. And Augustine judges the same of this act and of the receiving of the keys — by reason therefore of the capital and perpetual office diffused

in the Church, Augustine was saying that Peter bore the person of the Church.

I said in the same ninth chapter that the Pope cannot err by judicial error in faith, though he may err personally — because to him belongs the final determination concerning faith, as the first decree and blessed Thomas afterwards state and prove by reason and by the authority of Cyril and Maximus.

It is objected first: because two Supreme Pontiffs determined contraries in things that touch the faith — and therefore one of them erred by judicial error in faith. The assumption is clear from John XXII and Nicholas IV, of whom one determined judicially that Christ and the Apostles had nothing in common or individually; the other the opposite — as is seen in those extravagant constitutions.

Second: because Innocent III and Celestine determined contraries, on the proposition that one of a married couple who converts to heresy — the other who remains in the faith can pass to a second vow — as is seen in the chapter "Quanto" concerning divorces and the gloss thereon.

Third: because some established things against the Gospel, as Pelagius — who ordained that the subdeacons of Sicily should abstain from their wives, whom they had married in minor orders, or cease from office. Which constitution, because it was impious and against the Gospel, the blessed Gregory, his first successor, retracted — as is clear in distinction 31, chapter "Before three years" in the text

and gloss. For if he could judicially establish things against the Gospel, so also could he define.

Fourth: because it would follow that the Supreme Pontiff could not become a heretic regarding propositions not yet determined — as was the article concerning the procession of the Holy Spirit from the Son. And the consequence holds: because he could not be pertinacious against his own determination. It would further follow that a determination even of the Supreme Pontiff alone would bind his successor. It would further follow that a Pope truly a heretic could be judged badly: because he would decide that the things objected against him are to be understood in some sense consonant with his assertion.

Fifth: it is argued against the man himself — because I contradict myself in this same little book. For at the end of the fourth chapter it was said that the sentence of John the Evangelist would have prevailed over the sentence of Pope Clement in the teaching of faith; and now it is said the Pope cannot err in the judgment of faith — for these contradict: because the sentence of John would not have prevailed, but one would only have had to stand by the sentence of Pope Clement, then by the sentence of John — indeed even more, because with Clement the ultimate decision of faith would have resided according to what is said here, just as with Peter, if he had still been living.

Sixth: because the four principal general councils would have been assembled in vain against the four heresiarchs — namely Nicaea, Constantinople, Ephesus, and Chalcedon. And the consequence holds: because the decision of the Pope alone would have

sufficed — indeed in the adversary's view, the Pope alone in defining has as much power as the aggregate of himself and the remainder.

Seventh: from Ockham. Because Innocent III, as he says in the extra "Who are legitimate children" in the chapter "Through the venerable," says that when Deuteronomy says "A second law shall interpret" — it is confirmed from the force of the word that what is decreed there ought to be observed in the new testament. Which words if they are universally understood in the literal sense, they savor of heresy: because the ceremonial laws there in chapters 13 and 14 are not to be observed. If however they are understood mystically, they say nothing special about Deuteronomy, because all things mystically are to be observed — as is read in distinction six, chapter "In these therefore."

Eighth: from the same. Because some Supreme Pontiffs are found to have defined that they have supreme power in temporal matters — others the opposite.

Ninth: because it is not plausible that God committed the ultimate decision of faith to a man capable of erring in those things which are of faith.

I respond. And to the first: the assumption is false — namely that one Pope, Nicholas, determined judicially that Christ and the Apostles had nothing in common. For manifestly Nicholas, as is clear in the sixth, concerning the signification of words, in "He who went out to sow," says: "For Christ both taught and carried out works of perfection — He also carried out

the weak, as is sometimes seen from flight and from the purse — but existing perfectly perfect, in order that He might show Himself the way of salvation to both the perfect and the imperfect." Thus he. Where it is manifestly clear that Nicholas asserts that Christ had something. For the consequence holds: "Nicholas asserts that Christ had something in order that He might show Himself the way of salvation to the imperfect — therefore he asserts that Christ had something." John XXII therefore, who determined it to be heretical to hold that Christ and the Apostles had nothing in common (because it contradicts Sacred Scripture), determined a truth of faith — the contrary of which Nicholas had not determined.

To the second: neither of those pontiffs determined definitively. For concerning Celestine, in the chapter "Quanto" concerning divorces, Innocent says: "Although a certain predecessor of ours seems to have thought otherwise" — and concerning himself he subjoins in response: "We do not believe that in this case the one who remains in the faith can pass to a second marriage while the other lives." Where the very words — "seems to have thought otherwise" and "we do not believe" — show that they did not speak definitively in the matter of faith.

To the third: Pelagius, if he established that, established nothing against but above the Gospel — which is manifestly clear from this: that statute placed its observers either in the good of supererogation if they were continent, or in no evil if they were not continent — they suspended themselves from office, as a certain subdeacon did. It is moreover to be noted

here how much infamy grows gradually through various mouths. For Saint Gregory speaking of this statute says that a deacon made this prohibition by the authority of the Pope, as is clear in distinction 27, question 2, chapter "Of many" — and that it seems to him harsh and inappropriate, as is clear in the chapter "Before three years," distinction 31. The gloss moreover there increases it, saying that Pelagius did this and that that constitution was iniquitous — and arguing further it increases it more, saying the Roman Pontiff established things against the Gospel.

To the fourth: the first consequence is denied — namely that the Pope cannot become a heretic in things not yet decided. For if the one who is Pope had pertinaciously held that the Holy Spirit does not proceed from the Son, even if the Church so determined, he would have been a heretic. But it is accidental that the determination of the Church should be made by him or by another. One must stand in formal matters and in what is per se — and not decline to what is accidental, in whatever science. And from this the response to the second consequence is clear. For the determination of one Pope in the matter of faith binds per se all persons of the Church whose acts are of believing — and thus the proper person and that of the successor is bound to hold the determination once made concerning faith. To the third consequence: when what is imputed to the Pope for heresy was not yet decided by the Church, and he did not hold it pertinaciously but defended it as consonant with Sacred Scripture and the faith of the Church, he would not be a heretic formally — even if he erred materially in things of

faith. And therefore it does not follow that the Pope could be judged badly for heresy, in the case in which he is to be judged — namely for heresy formally. For in these things interpretation to this or that sense has no place.

To the fifth: there is no contradiction in what I said. For it holds simultaneously that neither John nor Clement could err, and yet that one is above the other — for there can be two things wholly right and subordinated, as is clear to all. And saying that the sentence of John would have prevailed over the sentence of Pope Clement, I said nothing other than that the sentence of Clement was subordinate to the sentence of John. And to that which is added — that the opposite would follow from this — the consequence is denied. For when it is said that to the Pope belongs the final determination concerning faith, it is understood in his order and grade — namely under Sacred Scripture, whose author is the Holy Spirit. And because John the Evangelist in the teaching of faith held the place of Sacred Scripture — just as his Gospel holds it today — therefore it does not follow that one should stand more by the sentence of Clement than of John, but the contrary. And from this the response is clear to the similar argument of Clement and Peter — namely that the same reasoning does not hold for both, because Peter held the place of Sacred Scripture not by reason of the papacy but by reason of the apostolate, just as his epistles hold it now. And I expressly opened this sense in the passage of that little book cited, saying: "The sentence of John would have prevailed over the sentence of Pope Clement in the teaching of faith,

just as now the Gospel of John prevails over the sentence of any Pope whatsoever and of the whole Church."

To the sixth: the consequence is denied — namely that those principal general councils would have been assembled in vain in the matter of faith. For councils are assembled in the matter of faith not on account of intensive authority but extensive — and on account of discussion and comparison with the universal multitude of the wise in faith, and on account of judges undeniable and accepted by all who are greater than all exception, and on account of solemnity, which commonly affects human minds greatly, and finally on account of goodness and grace before God which much avails for persuading the multitude of men, governed by the Holy Spirit and unable to err. For those things which concern the whole Church ought to be done thus in each matter, so that they may be most easily acceptable to all — and to this end universal councils celebrated by approved and chief prelates greatly avail.

To the seventh: it is said that since there are two divine laws — the old and the new — and the new is second in the order of generation, the word "second law" does not suit the new law from the force of the word. And the argument from the convenience of the word which Innocent borrowed is this — and he expressed it, lest it be understood that he concluded absolutely from the force of the word. And this diminishes the argument rather than increases it, as is clear — since in one word many things lie hidden. Hence from this convenience a kind of persuasion

was intended: that the mandates in Deuteronomy were not to be observed to the letter, but proportionally in the fittingness to the time of grace — as and where and so forth it would be expedient. Hence he himself, taking one judicial mandate from Deuteronomy and treating it, expounded it not to the letter but according to fittingness to the priesthood of Peter. Nor is it an obstacle that all things of the old testament can be observed in this way — it is conceded that he intended nothing special about Deuteronomy except a persuasion from the convenience of the name.

To the eighth: it is said that since the power of the Pope is directly with respect to spiritual things, to the supreme and simply final end of human generation, two things suit his power: first, that it is not directly with respect to temporal things; second, that it is with respect to temporal things in order to spiritual things. This indeed has from the fact that all things — even temporal ones — ought to be ordered to the supreme end, by him without doubt whose concern it is to direct all to that end, as is the vicar of Christ. And the first follows from the nature of his power itself. From these it follows that both can truly be determined concerning the Pope — both that he has supreme power in temporal matters, and that he does not have supreme power in temporal matters — since both are true at a sound understanding. The affirmation is true in order to spiritual things; the negation is true directly or in temporal things themselves. Hence from either decision no error results.

Yet note that since it is one thing to determine concerning faith formally, and another concerning what is materially of faith — for the first imports determining what is to be believed or not believed, while the second is determining concerning questions which arise in things believed — and it is established that when a question is determined in the second way it is not said to be determined concerning faith, but concerning such and such a matter — therefore when it is said that the Pope cannot err in the judgment of faith, I take the statement as said only of the judgment of faith formally, when it is determined what is to be believed or not believed. Against which none of those objections proceeded, except the first apparently. Lest therefore I seem to flee, they have all been resolved individually.

To the ninth: it is not plausible but true, and consonant with human and divine reason and authority, that God committed the ultimate decision of faith under Sacred Scripture to a man capable of erring in himself. For since there is no difference with God between saving in one and in many — and all those present in council, considered in themselves and by their own powers, can err by badly determining concerning faith through ignorance or some other defect — and on that account recourse is had to the assistance of the Holy Spirit: the salvation of faith through one rather than through the whole council attests more to the assistance of the Holy Spirit and His power. For this seems to be the work of human wisdom, on account of the concourse of all the chief ones — but that is the work of God alone, and appears so. Moreover the unity of faith also

requires the unity of the judge who presides over the whole Church, as the blessed Thomas asserts in the second seat, question prima, the last article.

CHAPTER TEN

The reason why the Pope cannot err in the judgment of faith: because this error would be the error of the universal Church, since it is bound to follow the Pope's definition in faith. And responses to objections against this.

I said in the same ninth chapter the reason why the Pope cannot err in the judgment of faith: because this error would be the error of the universal Church, since it is bound to follow the definition of the Pope in faith — adducing to this end the authority of Saint Thomas, and afterwards of the decree in the chapter "Maiores," and of Jesus Christ, "I have prayed for you, Peter."

It is objected: denying that the Church of necessity is bound to believe the definitive sentence of the Pope in the matter of faith. And saying that just as one is not bound to obey a Pope commanding against the Gospel, so neither his erroneous sentence in faith. Concerning the authority of Saint Thomas, there is no concern. To the chapter "Maiores" it is said in two ways: first, that it is not to be held for the ultimate and necessarily believed determination — but that

recourse is ordinarily to be had to the Pope, because ordinarily the Church is not assembled. Second, and it comes to the same: that the causes of faith are to be referred to the Supreme Pontiff so that he may convoke a council, because it belongs to him to assemble it. To the word of the Lord "I have prayed for you, Peter" — it is said that Christ prayed not for the sole person of Peter or his successors that his faith should not fail, but for the universal Church represented through Peter.

I respond. That denial is refuted by the custom of the Church and the authority of the saints — and fire of experience would prove it, if anyone did not hold what was determined as heretical by the Roman Church alone, as is clear from the extra concerning heretics "Ad abolendam" in the text and gloss. And this response makes clear to what they themselves confess they must decline, in defending the subjection of the Pope to the rest of the body of the Church or of the council. But what is added — that as one is not bound to obey an erroneous sentence in faith, just as one is not bound to obey a Pope commanding against the Gospel — this is most true. But it is no obstacle. For from these nothing other than a conditional truth is had — namely if he should determine erroneously, if he should command against the Gospel, he would not be heard. For the antecedent or consequent can be true, as is evident. That the authority of Saint Thomas is of no concern — it is not nothing, since the Church does not hold it of no concern. But even if Saint Thomas were of no concern, are Cyril and Maximus also cited there of no concern? And Jerome too, saying to Damasus as is held in distinction 24,

question prima, chapter "This is the faith" — "If this our confession is approved by the judgment of your apostolate, whoever wishes to blame it, whether he is ignorant or malevolent or even not Catholic, will be proven not Catholic" — manifestly testifying in these words that from the approved confession of faith by the Pope, whoever objects is not Catholic and is to be held of no concern?

To the exposition moreover given concerning the chapter "Maiores" it is said that it contradicts the letter. For the text assigns the reason why greater causes are to be referred to the seat of Peter — because he himself was established as an infallible judge in faith. And because one who is certain need not be further certified, it follows that the sentence of the Pope in faith is the final determination and necessarily to be believed according to that decretal — and thus both expositions fall.

And what is added concerning the prayer of Christ for Peter — it can be well and badly understood. Badly indeed, if it is understood that Christ prayed for the Church whether with the Pope or without the Pope, saying He said these words. For Christ expressly said these words to Peter as distinct from the others, as is clear from the context. For He says in Luke 22: "Simon, behold Satan has sought to sift you as wheat — but I have prayed for you, that your faith may not fail; and when once you have turned, confirm your brothers." Where it is manifestly clear that He distinguishes the act of temptation, for which they were commonly sought, from the prayer — for which He Himself singularly prayed for Peter, saying "I have

prayed for you." It also appears the same from the fact that He committed to Peter to confirm the others — as if saying: I am concerned for you, but you be concerned for others. Well however, if it is understood that the Lord prayed for Peter and for the others in different ways: for Peter indeed immediately, for the others through Peter — for Peter in Peter himself as head, for the others in that same head Peter. And in this sense our intention is more confirmed, as is evident. And to say it in one word: unless this authority is verified of Peter and his successors as the chapter "Maiores" asserts — it is sufficiently had in intention that the seat of Peter cannot err in faith on account of the prayer of Christ. And since this is not true of personal error, it follows that it is verified of judicial error.

CHAPTER ELEVEN

On the statement that to the Church of God, without the Pope, neither papal power nor power superior to papal was given in the Gospel of Matthew 18; and that in the Church there is no such power

I said in the same eleventh chapter that to the Church of God, without the Pope, neither papal power nor power superior to papal was given in the Gospel of Matthew 18 — and that in such a Church there is no such power.

It is objected. What the Lord said there — "If he will not hear the Church," and so forth — showed the jurisdiction of the Church in its effect, namely in the penalty of excommunication. And He subjoined in the plural "whatever you shall loose," and so forth — showing thereby that to the many contained in the name of the Church He was giving that power. It is also adduced to this end the practice of the primitive Church: when in Acts 15 it was defined by the Church: "It has seemed good to the Holy Spirit and to us to impose no greater burden upon you," and so forth.

It is adduced third the authority of Gregory, which is placed in the chapter "As the saints." Where Gregory professes to receive those four councils — namely Nicene, Constantinopolitan, Ephesian, and Chalcedonian — as the Gospel — and subjoins the reason: because constituted with universal consent, he who presumes to loosen those whom they bind, or to bind those whom they loose, destroys himself. Behold that he says not "and of the Supreme Pontiff's" but "universal consent" — and not "those whom the pontiff binds" but "those whom they bind."

Fourth to this end is the chapter "It decreed," distinction 80, where it says "The holy synod decreed" — and it does not say "The Supreme Pontiff decreed."

Fifth: the chapter "Nimis" concerning oath: "By the authority of the sacred council, not by his own, the Supreme Pontiff commands."

Sixth: the Church can grant indulgences — therefore it has the keys of jurisdiction. The antecedent is proved: because indulgences are given from the treasury of the Church and not of the Pope — therefore a fortiori the Church can dispense.

Seventh: the Church can establish canons of deferred sentence, of deposition, of excommunication — therefore. The antecedent is clear from the Council of Carthage in the chapter "It pleased," question 8.1, and is had in the extra concerning clerics not residing in the chapter "From the acts."

I respond. And that a way of responding to these and similar things may be seen, I assign four points always to be kept before the eyes in this matter and in such authorities.

The first is: it is one thing for the Church or synod to have full power by reason of a part — namely of the head — as a man sees, hears, and so forth; and another for the Church or synod to have the same by reason of its very totality. And therefore care must be taken lest one slide from the first to the second in order.

The second is: it is one thing for the Church or synod to have full power, and another for it to have that power immediately from the Lord Jesus Christ. And therefore care must be taken lest one slide from the first to the second in order.

The third is: it is one thing for the Church or synod to have full power, and another for it to have that power — namely coercive — with respect to such a one —

namely the vicar of its ruler. For active power, since it is spoken not absolutely but with respect to the passive, as is clear in the fifth and ninth books of the *Metaphysics* — full power is most fully such when with respect to its subjects it can do all things. Care must therefore be taken lest one slide from the first to the second in order.

The fourth is: it is one thing for the Church or synod to have full power, and another for the Church or synod acephalous or truncated to have the same. And therefore care must be taken lest one slide from the first to the second in order.

From these four wisely dispensed, all the arguments of this question will easily shine forth — so that perhaps none remains obscure. And descending to the individual matters, response is made.

And to the words of the Lord in Matthew 18 it is said, as has already been proved, that the Lord does not there give authority to the Church — but signifies that it will have power — not explaining there how it will have it, and whether according to itself first or by reason of a part. For this we do not deny but teach. Moreover those words in the plural number do not compel to the authority of the Church by reason of its totality — indeed they must be understood without determination to this or that mode of the Church's power — namely by reason of the whole or of the part — since they can be verified in either way, as is clear from what has been said. For it is manifestly established that what is common to two abstracts from each.

Therefore that plural number can be referred to the plurality of the future Church, and to the plurality of those meeting in the Church for conferring, discussing, proving, and so forth — and to the plurality of those accumulating their authorities in common. On account of which from that letter nothing is had that stands against what has been said.

To the second from the primitive Church it is said that it is granted for free that the Church established — but whether by the power of the parts, namely of three Apostles, or by the community through accumulation in common, or by some other way — namely immediately from Christ, as those falsely think — nothing is expressed there. And therefore from this authority and the others subjoined and similar ones, neither is this affirmative had — namely the Church or synod has power immediately from Christ — nor is this negative had — the synod does not have power from the Lord through the Pope mediating. And concerning the affirmative indeed it is established from the fact that since the synod can be verified as having power in multiple ways as is clear from what has been said, and from these nothing other is had than that the synod has power — it must be thus commonly understood, so that it abstracts determinately from each such sense. Concerning the negative moreover from the same root it is established.

To the authority of Gregory it is said that the reason given by Gregory manifestly favors our intention: because he does not give as reason the authority given immediately from Christ, but the universal consent —

and through this also of the Supreme Pontiff himself who is the head. And therefore the Pope himself would deny himself in denying that, as is said there. From this authority of Gregory also is had what we said — that the authority of the synod includes the head — otherwise it would not do with the consent it does. And it suggests that it has power from its parts — to the denial of which whoever denies it is led.

And from this authority moreover nothing other is had than that the synod has power of defining, and so forth. And through this the response to the fourth is clear.

To the fifth moreover it is said that when the integral synod has full power — however this may happen to occur — and the authority which is of the Pope absolutely and as proper is that of the synod itself then and as communicated — just as any other could truly say "By the authority of the sacred council I establish," and so forth, so the Pope himself — since he is not of worse condition than others. For by saying that he acts by the authority of the synod, he does not thereby affirm that he acts by lesser authority. Indeed rather he affirms this — because the authority of the synod of necessity includes in itself the authority of the head.

Nor again by saying that he acts by the authority of the synod, does he affirm that he acts by alien authority. For although the synod is other than the Pope, just as the church of some bishop differs from the bishop — nevertheless the power of the church need not be other than the power of the bishop — but one and the same power can be of both diversely.

The bishop's as proper, the church's as communicated. And through this it is also clear that by saying that he does by the authority of the sacred council, he does not thereby affirm himself to be lesser in authority. And although these things satisfy sufficiently — yet truly condescending to the sense of many, know that in two ways the Pope can be said lesser than the synod according to power — namely extensively and quasi-intensively according to what. Extensively indeed: because the synod integrates from so many powers of so great a multitude. Intensively moreover according to what — that is, according to that part of power by which the Pope communicates to the council as it were according to his portion.

To the sixth it is said that although the integral Church can grant indulgences, and so forth, and the treasury of merits from which indulgences are made is hers, as that for whose utility it is — nevertheless they are not hers as of one who is mistress, because she herself is the servant of the Lord Jesus. And whatever the servant acquires, he acquires for his lord. And it was said to her: "When you shall have done all things that I have commanded you, say that we are unprofitable servants, we have done what we were bound to do." Hence it belongs not more to the Church but to the vicar of the Lord to dispense the treasury — for whose utility it is. To the last it is already clear that for free we concede the synod that is truly a synod — namely the integral one — to have the power of deposing, excommunicating, and so forth. For this is not the question, but about the manner of having — as is clear from what has been said. And let these suffice for similar things.

CHAPTER TWELVE

On the statement that from the fact that the Apostles sent Peter and John to the Samaritans, it cannot be inferred that they were subject to the Apostles: because from being sent it does not follow that one is a subject — as is clear from the Holy Spirit

I said in the same eleventh chapter that from the fact that the Apostles sent Peter and John to the Samaritans, it cannot be inferred that they were subject to the Apostles: because from being sent it does not follow that one is a subject — as is clear from the Holy Spirit.

It is objected: this consequence is optimal. "The Holy Spirit is sent by the Son — therefore He is from Him, or is inferior to Him." And thus one must confess that Peter is from the Church, from which He is not inferior.

I respond that that consequence which is called optimal is not truly optimal — since it is not good except by reason of matter. For the Holy Spirit is sent by Himself, as is clear in the first book of the Sentences, distinction 16 — and yet He is not from Himself, nor inferior to Himself. And similarly the Son is sent by Himself — indeed the Son is also sent by the Holy Spirit, who is from the Son, as is clear in the same book, distinction 15. And because the

consequence is not good from form, therefore it does not infer: "Therefore Peter is inferior to the Church or is from the Church."

CHAPTER THIRTEEN

On the statement that from the authority of the decretal concerning elections, in the chapter "Significasti," it is clear that councils have authority from the Pope

I said in the same eleventh chapter, from the authority of the decretal concerning elections in the chapter "Significasti," that councils have authority from the Pope.

It is objected. Saying that this is to be understood of the council as to its being assembled — because ordinarily they are assembled by the authority of the Roman Pontiff. But from the moment they are assembled, whether by the authority of the Roman Pontiff or otherwise, they have immediate authority from Christ.

I respond that this exposition is repugnant to the text. For there two things are said: that councils have from the authority of the Roman Church the fact that they were made — and that they received strength. And the first, as is clear, refers to the very assembling — but the second, unless it is superfluous, refers to the authority of the assembled. And it is convinced that

this is without any ambiguity the intention of the letter of that text, because it gives the reason why councils are not subject to the apostolic see in their laws. If indeed councils depended in their being assembled from the Pope, from the moment they are assembled and make laws, nothing would avail the reason assigned to the intention of inferring. For it is manifestly clear that from the fact that councils do not ordinarily assemble except through the Pope, it does not follow therefore that they do not prescribe law to the Pope — since it holds that assembled they prescribed the law, if assembled they do not depend on him.

CHAPTER FOURTEEN

On the statement that a universally legitimately assembled council can err in defining, with the Pope absent or not consenting; and on the statement that it can err in the same way in things that are of faith

I said in the same eleventh chapter that a universally legitimately assembled council can err in defining, with the Pope absent or not consenting — and as it were I said that it can err in the same way in things that are of faith.

It is objected: because to the general council belongs the determination of those things which are of faith — and it is promised that the Holy Spirit will teach you all truth. In sign of which the Holy Spirit is

placed as presiding over the council of the Apostles, when it is said "It has seemed good to the Holy Spirit and to us" — and they did not say "It has seemed good to Peter and to us." This sufficiently seems to be suggested by Augustine, who says he would not believe the Gospel unless the authority of the Church admonished him. And in the third synod, as is clear in distinction 16, chapter "It pleased," it is said "It has pleased this holy synod" that henceforth the 83 chapters of the canons of the Apostles be confirmed and ratified. This also can be deduced from that "Behold I am with you all days even to the consummation of the world" — this having been said to the successors of the Apostles. For the general council represents the council of the Apostles and elders. This same is proved from the fact that everyone confesses that he believes in one holy Catholic Church — from this it follows that to it belongs the ultimate decision of those things which are of faith. For when the Pope confesses that he believes in one holy Church, he does not say that he believes in himself.

Moreover the Church universal cannot err in faith — and the council enjoys the same privilege as the represented Church, just as the same power. Indeed when the Church as dispersed can exercise no act of jurisdiction, nor define anything sententially — infallibility in defining must pertain to it as assembled in council. And if it is said that the Pope represents the Church as the council does — it would be said that the Pope represents the Church remotely, the council most nearly — because in it there is someone from each church, at least sufficiently called. And the

privilege of the Church passes into the council immediately representing it — but not into the Supreme Pontiff.

I respond. These objections fail in two ways — and the first failure is common to all; the second to certain objections. The common failure of all the objections is that they decline from the council to the council without the Pope and its proper privilege. For the general council, if it does not define with the Pope's consent, it is established that that definition was not made with universal consent — since the Pope holds the supreme place, office, and governance universally and everywhere in the Church of God. And what was not defined with universal consent was obviously not defined by the council as it represents the universal Church. I say therefore that the proposition saying that the general council cannot err in the judgment of faith is true simply and absolutely of the council judging in faith with the Pope — and it is not true of the acephalous council.

And this response suffices for all the objections as to the intended conclusion. But as to the force of the individual objections individually it is said: and to the first — because to the general council belongs the ultimate decision of faith — it is said that this is verified of the council by reason of the head, just as of a man — that he sees — by reason of the eye. And that this is true is clear from the Council of Rimini and the second Council of Ephesus: of which the first erred in faith with Arius, the second moreover erred in faith with Eutyches. And what is more to be noted: this second was also assembled by apostolic authority

— and in neither did the Roman Pontiff consent to the erroneous definition. And concerning the second Ephesian council indeed it is clearly evident from many letters of Leo and the Acts of the Chalcedonian synod.

Concerning the Rimini council moreover it is clear from Rufinus in the ecclesiastical history, and in the tripartite history book five, chapter 29. From the effect therefore it is manifestly clear that the Lord's word "The Holy Spirit will teach you all truth" was not said of the council dissenting from the Pope, even if legitimately assembled. Let all who decide about these matters rightly examine this, so that they may beware and the judgment of the sensible may not depart.

To the second it is said that even if that council of the Apostles and so forth had been a general council, nothing other would be had than that with Peter present and first, the Holy Spirit presides over the integral council — which is granted for free. But why it was there defined in common, and that it was not a general council — we said in that little book. To the third it is also clear that Augustine said "unless the authority of the Church admonished me" — and he did not say "of the acephalous church." To the fourth I confess I do not see what it proves except things against the assertors — because the canons of the Apostles, though confirmed by a synod, have vanished. For this does not avail to the loftiness of the power of the synod which they intend.

To the fifth it is said that to the letter it speaks of the Church universal which will never fail — for this is

what succeeds the Apostles and others to whom the Lord spoke. From the Church moreover or even the council representing it, to the acephalous council the argument does not hold. To the sixth the antecedent assumed from the article of faith concerning one holy Church can be understood in two ways — namely with the preposition "in," saying "I believe in one holy Catholic Church" — and without that preposition, which the blessed Thomas judges better, saying "I believe one holy Catholic Church." And if indeed it is said with the preposition "in," the Church is taken through the integral Church of the body — namely with the head, which is Christ the Lord — by reason of which in the Church we are said to believe. And then the consequence optimally holds: therefore to such a Church belongs the ultimate decision of those things which are of faith. And the Pope in believing the Church is not said to believe in himself — but is said to believe his office and that of others. In sign of which he would depart from faith if he did not believe his own office.

It can also be taken for the Church on earth, as it is joined to the Holy Spirit — by reason of which we are said to believe in the Church as the blessed Thomas holds. And thus it is also clear that the consequence optimally holds: that to the Church joined to the Holy Spirit as such belongs the ultimate decision of those things which are of faith. And the Pope in believing the Church is not therefore said to believe in himself — but is said to believe in the Holy Spirit as the rector of the Church. But the further consequence does not hold — "therefore of the acephalous church."

To the seventh it is said: first that I do not admit that even the integral council necessarily enjoys the personal privilege of the Church — namely that there should always be formed faith in the Church. For of the Church this is established — of the council however I confess that I have found this nowhere confirmed by authentic authority — although it is reasonable that in fact it be so — namely that in some person of the council formed faith exists. It is said secondly that not being able to err in faith judicially is a privilege of the Church by reason of the head, to which judgment belongs — and therefore it is not a privilege of the acephalous church, nor of the Church, that is, of the collection of all the faithful, to which jurisdictional power does not pertain. Nevertheless the Church — for the collection of all the faithful — the council represents — and to which the Lord promised that He would be with it. And from this it is clear how much that argument is deficient — for it proceeds as if the privilege of not being able to err judicially pertained to the Church by reason of the community, when it is established that just as jurisdiction pertains to the Church by reason of the heads, so the act of jurisdiction — and because this act of judicially defining concerning faith concerns the universal Church — therefore it pertains to the Church by reason of the head, to whom the care of the universal Church was committed. Just as other acts by reason of other heads proportionally.

It is said therefore thirdly and formally: the integral council enjoys the same privilege of office, not of person, which the Church enjoys — and in the same way — namely by reason of a part, namely of the

head. And similarly it enjoys the same power and in the same way. But from this it is more had for the intention. And I concede for free that infallibility in defining concerning faith pertains to the integral council by reason of the head — and not from the Church, to which this does not pertain except by reason of the head — but from the Lord Jesus, whose head the head bears the vices of.

CHAPTER FIFTEEN

Responses to objections against the statement that the applicative power of the papacy to a person regularly and principally resides in the Pope, and not except in a case in the council or Church. And also on the elective power of the Pope.

I said in the thirteenth chapter that the applicative power of the papacy to a person regularly and principally is in the Pope — and only in a case in the council or Church. And in the sixth chapter the same under other words — namely that the elective power of the Pope is in the Pope's power. And I adduced to this end in both places two arguments: first from the act of Peter, question 8.1, chapter "If Peter"; second from the fact that the Pope determines concerning the act of election — so that if done in the contrary way it is made void.

It is objected against four things — namely against this: that such power is in the Pope; and against this: that only in a case it is in the Church or council; and

against each argument. First therefore it is argued against the first from Ockham. If the elective power of the Pope were in the power of the Pope, it would follow that the Pope could leave the Church without elective power — which is impossible. Therefore. And the consequence holds. Suppose that with the electors dead or deprived, the Pope did not ordain electors. And if it is said that in such a case it devolves to the Church — against this. Because then it would follow that the Church is superior to the Pope — which you deny. And the consequence holds: because the power of any one never devolves from the negligence of anyone to another, unless he is simply and absolutely superior. For papal power does not devolve to the bishop from the negligence of the Pope not providing for some benefice — but the reverse. Furthermore, if the Church in that case has the elective power, it is asked from whom it has it immediately — since it does not have it from itself. If it is said from Christ, it will be difficult to find in Sacred Scripture the foundation in which it can be stabilized that in that case it has it and not regularly.

Second principally it is argued from the Archbishop of Armagh. It is not plausible that the Lord would have committed to the will of one man the elective power of the Supreme Pontiff — because it could happen that one family would say "Let us possess the sanctuary of God by inheritance" — while each at the end of life substituted his own blood relative.

Third: because it would follow that even the depositive power of the Pope — in the case of heresy in which he can be deposed — would be in the Pope.

And thus an equal would have authority over an equal. And again: the Pope could establish that a heretical Pope could be deposed by two or three. And the consequence holds: because by the same causes these powers have to be generated and destroyed.

Fourth: if there were in the Pope the elective power of the Pope — either therefore the power is in him in such a way that he can through himself elect a successor; or only because he will be able to communicate that power to some. This second has no plausibility. From the first moreover, if it is conceded, this inconvenience follows: it would be in the power of two to bring it about that alternately each for a year in his order would be Supreme Pontiff, in the manner of Anna and Caiaphas. And the consequence is clear: because one Pope by his will can elect another as Pope — and at the end of the year that other reelects the same. And so on.

Fifth: Christ did not confer on the Pope any power pernicious to the Church. But (as the gloss has in the chapter "If Peter") this is pernicious — that someone would elect for himself a successor. Therefore Christ did not confer that power.

Against the reason taken from the act of Peter it is said first that the first gloss seems to be against the text saying that Peter handed it to Clement himself — and it does not say "ordain that it should be handed to him." It is said second that Peter did this at the instinct of the Holy Spirit, by which he also foreknew his death. It is said third that the Pope in a case of necessity — when the electors could not be

assembled and for the occurring danger there was need of a pastor — can in dying institute a successor.

Against the reason moreover from the fact that the Pope establishes concerning the act of election, also determining the electors, and so forth — it is said that the Pope did not give the elective power to the cardinals, but the universal Church — in the sixth synod, in the chapter "In the name of the Lord." Where Nicholas Pope not by his own authority but by that of the holy fathers established — and therefore where cardinals manifestly abused the power handed to them, the universality of the faithful could deprive them of the elective power of the Pope and commit it to others.

I respond. And first I declare the sense of my words in that little book — second what seems to me in this matter — third I will endeavor to satisfy the objections. As to the first: I never said that the Pope can elect a successor for himself, nor that the elective power of the Pope is in the Pope formally, nor that the applicative power of the papacy to a person is in the Pope formally — but I said that such power is in the Pope regularly and principally. For it is established among learned men that many things are in the power of the superior which are not in him and his power formally, and which also cannot be done by himself immediately. For there are in the intelligences which we call angels forms of inferiors and their powers — not however formally, nor such that they can exercise the acts of these through themselves. There are in the power of celestial bodies forms of the elements and

their powers — not however formally, nor such that they can exercise their operations through themselves.

It holds therefore that such elective power is in the Pope regularly and principally — and is not in him formally, nor can he exercise the act of such power through himself. Let the words therefore be taken in this sense: that the elective power is in the power of the Pope virtually or eminently — and this as to the mode of being. And that it is in the power of the Pope regularly — that is, by ordinary law — pertaining to the widowed church in which such power is in a case. And principally — in distinction from the same church in which it is secondarily, inasmuch as in a case it can not only elect but make electors and ordain concerning the mode of election.

As to the second: because the power belongs to one whose act is, as is said concerning sleeping and waking — and the act of the election of the Pope, simply and absolutely, is not of the Pope — therefore the elective power of the Pope does not belong formally to the Pope. The minor is proved: the election of the Pope is a factitive act, insofar as it is from itself at that time of the Pope — therefore it is repugnant to it that it presupposes the Pope at that time. And the consequence holds: because what is made, is not — for if it were already, it would not be made. Then further: therefore the elector of the Pope is not the Pope. And the consequence holds: because the elector is presupposed in nature to the election, and is simultaneous in time with the election. Then further: therefore the act of the election of the Pope is not of the Pope. And the consequence holds:

because the election of the Pope is the act of the elector of the Pope. From this therefore it is clear that the elective power of the Pope — whose act simply and absolutely is the factitive election from its nature then of the Pope — is not in the Pope's power formally. And it is confirmed by the authority of ecclesiastical custom — by which the elections of pastors are made not except in the time of vacancy — and not by the divine wisdom sweetly disposing all things, which said "Sufficient for the day is its own trouble — for tomorrow will be anxious for itself."

In the subject therefore of the opportune time, in which the elective power ought to elect, it is formally located — and not in the Pope, who only by preventing the solicitude of tomorrow's day could elect, as is evident. But the subject of such elective power formally — according to the peripatetic and apostolic authority simultaneously, by which invisible things from visible things are to be known by us — is to be investigated from the exercise of the act of the election itself. But it is clear without any ambiguity that the election of the Pope pertained to the Roman Church — counting within the Roman Church the cardinal bishops, who seem introduced as it were as suffragans of the Roman archbishop. And therefore with every human statute ceasing, with the certain members of the Roman Church existing, in the same resides the elective power of the Pope no less than in the other churches the elective power of their own bishops.

From the fact moreover that the Lord Christ chose the Roman Church in Peter's proper Church, while

He prohibited him from transferring the papacy from Rome as from Antioch — saying "I come to Rome again to be crucified" — the elective power of the Pope is said to have pertained to the Roman Church not positively but negatively — that is, the opposite is said not to have accrued. In the case moreover of uncertain electors, the same power of the universal Church — for the same reason — because namely she is the bishop of the universal Church and in the same way — namely negatively — is understood to have given it.

From the human statute of apostolic authority moreover through the way of positive determination, the subject of the elective power has pertained to the cardinals of the Roman Church alone. For the Pope from the eminence of the power of universal care and governance can decree concerning the elective power, directing it thus and ordaining it — so that done in the contrary way it is void in its work and subject — as is clear from the acts of the pontiffs themselves and from the observance of the Church.

CHAPTER SIXTEEN

On the statement that in the Church there is authoritative power over the conjunction of Peter and the papacy, but not over the Pope himself

I said in chapters twenty, twenty-one, and twenty-two that in the Church of God there is authoritative

power over the conjunction of Peter and the papacy — but not over the Pope himself.

It is objected against this in three ways: first because these contradict what was said in that little book; second because these two contradict each other; third because it is false that the depositive power of the Pope which is in the Church is not authoritative over the Pope.

The first is shown thus: in chapters six and thirteen it was said that the applicative power of ecclesiastical power to this or that person is in the Pope alone. Now it is said that the authoritative power over the conjunction is in the Church — therefore a contradiction. The second moreover is shown by the example I use, retorting it against me. For to have power over a man is not to have power over the soul, nor over the body — but over the separation of the soul from the body — since the one who kills a man does nothing other. What therefore else is it to have authoritative power over the Pope — than to be able to separate the papacy from him authoritatively? The third moreover is proved in three ways. First because otherwise the heretical Pope cited would not be bound to appear, nor would he be contumacious not appearing — they would therefore judge him unheard, or not bound to respond. Second: every punitive act of a person by reason of his own proper sin is from one having jurisdiction over him who is punished. Third: it is argued against the man himself — namely the Church can excommunicate a heretical Pope before it deposes him — therefore it has the authority of jurisdiction over the Pope. The

consequence is clear — and the antecedent is from you, because you say this consequence is good: "He is not excommunicated ipso facto — therefore he is not deposed." And this will be good: "He cannot be excommunicated — therefore he cannot be deposed." And this: "It can depose him — therefore it can excommunicate him."

I respond. And to the first it is said that there is no contradiction in what I said — since above the discourse was about the authority of eminence, where the power of the Church was compared with the power of the Pope. Hence it was said there that the Pope is the moderator and director of the power of the Church, and not the reverse — for this pertains to the eminence and not to the eminence of the power. Here however the discourse is about the authority of efficacy — when we say that the power of the Church can authoritatively over the conjunction, and so forth. For this sounds nothing other than that such power as it were superior to that conjunction can bring it about. For an agent as such precedes what it brings about as such. With this it is also plainly clear that the applicative power of ecclesiastical power according to eminence is in the Pope alone.

To the second moreover it is said that these two — namely power is over the conjunction and not over the Pope — are not repugnant to each other in anything — because they are diverse. And the Pope signifies something greater than the conjunction — since the form of the papacy signifies it, as "lord" the form of lordship. On account of which the retorsion of the example about the man avails nothing — for it

does not suit the signification of the Pope to equate it with the signification of man. And it is conceded that that power can be over Peter the Pope — by reason of the subject thus disposed, as is said in the little book — but not over the Pope, because it cannot be from the part of the form. Hence it is clear there is no repugnance — and that it is one thing to be able to be over the Pope, and another over Peter the Pope — just as it is one thing to be able to be over the composite, and another over the form.

To the first moreover against the third: it is responded that Peter the Pope a heretic, by reason of the subject thus disposed, is subject to the depositive power of the Church — and in all the necessarily preambles and consequents, as is expressly said in chapter twenty-one of the little book. Hence it seems remarkable concerning the objections. I say therefore that because Peter the Pope a heretic, by reason of the subject thus disposed, is subject to the depositive power of the Church — in this only, and through this the solution of the first and second is clear.

To the third moreover it is said that as is clear in the nineteenth chapter of the little book, from which it was imputed to me that I say that consequence is good, I never said this, never dreamed of the connection between excommunication and deposition — indeed I expressly sensed the opposite. For I from that common root — that what is inflicted by the human judgment is not incurred ipso facto from the sole interior sin purely — inferred two things — namely the negation of excommunication, and the negation of privation. And I said that if from this root

it follows that he is not excommunicated, much more it follows that he is not deprived — because there declaration is not required as here at the jurists. But the argument proceeds against one affirming the formal inference from the negation of excommunication to the negation of deposition — and therefore it is not to the purpose.

CHAPTER SEVENTEEN

On the statement that the Pope is the proximate and immediate vicar of Christ — therefore he has no power prior to himself on earth; and hence the Church does not have ordinary authority immediately from Christ; and the Pope does not have authority through the Church as intermediary

I said in the same seventh chapter that the Pope is the proximate and immediate vicar of Christ — therefore he has no power prior to himself on earth — and from this I concluded that the Church does not have ordinary authority immediately from Christ, and that the Pope does not have authority through the Church as intermediary, and so forth.

It is objected, glossing, that the Pope is called the immediate vicar of Christ because the power of his vicariate was established immediately by Christ and conferred upon the Church — and not therefore because he has it from Christ without the Church as intermediary. And thus the Pope is the immediate

vicar of Christ, just as with the Apostle kings are ministers of God in the punishment of evildoers — who are nevertheless made through the mediation of the people.

I respond. And the gloss indeed is repelled by the difference between the medium in instituting the principate and the medium in ruling. For these differ as heaven and earth. And being the immediate or mediate vicar is not judged according to institution alone, but according to the ruling itself. I make the individual matters clear by way of examples for the sake of brevity. Christ instituted the episcopal and sacerdotal power without medium — He instituted through the Church the power of minor orders and the subdiaconate in some cases. In these there is medium in instituting — in those there is not. The Pope instituted a legate who commits his vices to another — the legate governs under the Pope without medium. But the vicar of the legate, ruling with medium, depends on the rule of the legate and not on the sole election of him.

From these moreover it is clear what kind of medium is denied when someone is called absolutely the immediate vicar of some ruler — namely the medium in ruling is denied, as is clear inductively. Hence when the Pope is asserted absolutely and without any limitation to be the proximate and immediate vicar of Christ, a middle principate between Christ and the Pope, inferior to Christ and superior to the Pope, whose vices the Pope bears, is denied. If indeed there were a middle principate of this kind — as those who assert the community of the whole Church to be such

a principate concede — the Pope could be said vicar of Christ, but not truly and simply and absolutely the immediate vicar of Christ — but the immediate vicar of the Church and mediately of Christ Himself.

The immediacy moreover of the institution of the Pope's power from Christ does not make the Pope the immediate vicar of Christ except in some respect — namely with respect to the institution of his power. For in this way any bishop can be said the immediate vicar of Christ, because the power of each is established immediately from Christ. But it is established that the determination of the Church and the holy fathers intend something other when they assert the Pope to be the immediate vicar of Christ. Hence the argument stands in its force.

To that moreover which is added about the similar case of kings — it is said that they are not called proximate and immediate ministers of God — but rather bearing the vices of the multitude and being ministers of God without doubt. Far otherwise is it with the Pope, who does not bear the vices of the multitude, but of Jesus Christ immediately. And know that between a king created by the people, as Saul, and — standing in natural law — a king given by God, as David — and a Pope made by Christ, as Peter — and a Pope elected by the Church, as the rest — there is so great a difference in representing the people that a king, whether created by the people or given by God, represents the people and its power. For although they differ from each other in the making — since one is set over by the people, another by God — they are not distinguished in the nature of office and

power. For just as the natural organ — say the hand — if made by God miraculously, is equivalent to one made by nature, so the political organ — say the king — when he is from God, is equivalent to one from the people. And therefore he represents the power of the people in both ways made, and exercises it. And he is said to bear the vices of the people, and not of God immediately.

The Pope moreover, whether made immediately by Christ, as Peter — or through the ministry of the Church as intermediary — is of the same nature and power. And he does not represent the power of the ecclesiastical people, nor the people itself — but the Lord Jesus Christ immediately, and bears the vices of Christ alone immediately. And the reason of the diversity between king and Pope is this: because royal power by natural law is in the people first, and from the people is derived to the king. But papal power is above nature, and by divine law in a unique person — not in the community — Christ the Lord establishing the form of the supreme ecclesiastical governance in a unique person, when He said "I have other sheep, and those I must bring — and there shall be one fold and one shepherd" — and the same one determining such a form to the person of Peter in his perpetual succession in John, last chapter, when He said to him "Feed my sheep." Hence the Pope is solely the vicar of Christ and not of the Church. And therefore it was defined by the Church that the Pope in blessed Peter undertook his office perpetually, as is clear from the passages cited in the little book, and so forth.

CHAPTER EIGHTEEN

On the statement — from those authorities "Feed my sheep" and "There shall be one fold and one shepherd" — that the Pope is the pastor of that fold, and not the reverse. And responses to objections.

I said in the same seventh chapter from that authority "There shall be one fold and one shepherd" — that the Pope is the pastor of that fold, and not the reverse.

It is objected that Christ said to Peter "Feed my sheep, not yours" — and that Christ gave the power to the fold over the pastor.

I respond that Peter being the pastor of the sheep not his own but of Christ's — concludes that he is the pastor not of himself, nor in place of the community of the Church, as those who object say (since the sheep are neither Peter's nor of the community of the Church) — but in the place of Jesus Christ, whose alone the sheep properly are. Hence from this nothing other is had than that Peter presides over the fold not his own but of Christ's — not of himself, but in the place of Christ.

But what is added — that Christ gave the power to the fold over the pastor — is said voluntarily, and is both discordant with and repugnant to the very words of the Lord. Discordant indeed: because the fold of that pastor constitutes the Church. For it is the

regular thing that the pastor presides over the fold, and not the reverse. Repugnant moreover, as was deduced there — because there would not be one pastor according to the word of the Lord, but two — namely Peter and the fold itself. And because concerning Peter by the voice of the Lord it is established — who said "Feed my sheep" — and that only one exists of the same authority of the Lord is clear — it follows as a consequence that the other pastor fabricated is against the sentence of the Lord.

CHAPTER NINETEEN

On the statement that not less is the Pope the bishop of the Catholic Church than any bishop is bishop of his own church — inferring from this the superiority of the Pope over the Catholic Church itself, and not only over its individual members

I said in the same seventh chapter that not less is the Pope the bishop of the Catholic Church than any bishop is bishop of his own church — inferring from this the superiority of the Pope over the Catholic Church itself and not only over its individual members.

It is objected against the similarity. Both because the particular bishop bears the vices of the universal Church which is above his community — and because the particular church to which the bishop is

set over has a superior on earth who presides over that bishop.

I respond. And first — that the argument is not founded upon the similarity but upon the property of this sentence "The Pope is the bishop of the Catholic Church" — although it is declared from the similar, indeed from the same reason in other bishops. Ambrose is the bishop of the Milanese Church, and so forth. Hence since from this proposition formally understood — "The Pope is the bishop of the community of the Catholic Church" — it follows that he is the bishop of the community of the Church — the intention is sufficiently had. The objections moreover bring forward the dissimilarity in a non-cause as cause. For in the fact of being the bishop of the Catholic or of such a church, two things can be considered: what it imports to be a bishop — and from whom one becomes bishop. And the objections indeed proceed by considering from whom one becomes or should become bishop — but the argument proceeds by considering what it is to be a bishop.

But it is established that for judging about the natures of things, the formal cause, and what the thing is, concludes efficaciously — wherever they may come from effectively. For whether a man is made by God, as Adam — or by another man, as we — we are of one nature. And similarly whether a bishop is made by the Pope, or by the universal Church — whether he has a superior or not — he is of one nature insofar as he is a bishop, though of another nature insofar as he is a subject. Hence — to say it in one word — the

argument speaks of the bishop as such; the objections moreover speak of the bishop insofar as he is a subject to one and another and from another. On account of which since he is truly the bishop of the Catholic Church — it follows as I said there — that he is first the bishop of the Catholic Church itself, and secondarily of the individual ones. Both because he is not less himself the bishop of the Catholic Church than Ambrose the bishop of the Milanese Church — for he would be far less if he were the bishop not of the whole but of the individual members only. And because the proper act of the bishop, which is to superintend, is borne first over the good of the Catholic Church itself — and secondarily over the good of individuals — as is clear from the fact that the Pope is bound to this under mortal sin from the very fact that he is Pope. But it is established that powers are recognized through their proper acts. Nor to this do I see a response unless it were said that the Pope has this act insofar as he bears the vices of the universal Church to which this act first pertains, and from whose commission it pertains to the Pope. But this response can be understood in two ways. First — that the Pope has this act depending on the Church, as a king created by the kingdom. And in this sense it is false — because thus the Pope would be the vicar of the Church and not immediately of Jesus Christ, which has been shown to be false, and will be further shown. Second — it can be understood that the Pope has the act from his office supplying that which would pertain to the Church if it were not subject. And in this sense it is a true response — but it is no obstacle to the argument, as is evident.

CHAPTER TWENTY

On the statement that the Pope has supreme power in the Church of God — and from this I deduced that he is above the universal Church

I said in the same seventh chapter that the Pope has supreme power in the Church of God — and from this I deduced that he is above the universal Church.

It is objected, glossing: first that the power of the Pope is called supreme with respect to particular powers — but not with respect to the power of the community of the whole Church. Saying second that from the fact that supreme power is posited in the Pope and supreme power in the Church, it does not follow that there are two supreme powers in the Church of God — because the power of the Pope is for the Church, according to that "God placed you to govern the Church." Where one is for another, there is one only — as is proved in the tropics.

I respond. And the gloss indeed adduced is repelled from the great difference between "in some respect" and "simply." Of the Pope it is asserted simply that he has supreme power in the Church of God — as is clear in the text cited there. The gloss moreover posits the Pope as having power supreme in some respect — because in respect of some and not of all powers in the Church of God. It is repelled also from the literal exposition of that superlative "supreme." It can

indeed be expounded negatively and positively — that is, having no superior, and superior to everything else. And in each way it is repugnant to that gloss.

And as to what is objected that the consequence is nothing — since if the community of the Church is of so great power that the Pope is subject to it, it is necessary that the proper object of the power of the Church and the proper object of the power of the Pope should be related proportionally as superior and inferior, just as the powers themselves — and this also is manifest from the fact that the common good of the whole Church is the proper object of the power of the community of the Church, while the good of individuals is the proper object of the power of the Pope according to them, consequently speaking. Because their proper power is first with respect to individuals, and with respect to the good of the common whole, the Pope does not involve himself except as using the power of the Church as its instrument. There would therefore be in truth two supreme powers and subordinate simultaneously — which is ridiculous.

To what moreover is said that the power of the Pope is for the Church — it is said that according to truth this is the case, and it avails nothing. But according to the hypothesis of these men, it would not be for the Church formally taken as the same — because this is for the Church collectively, while that is for the Church distributively. Hence since the rule from unity of object does not stand, and power is not for power but under power — I do not see how the tropical rule stands as an obstacle.

CHAPTER TWENTY-ONE

*On the statement that the Church has
authoritative power over the conjunction of Peter
and the papacy, but not over the Pope himself —
with responses to further objections*

I said in the same twentieth chapter that the Church has authoritative power over the conjunction of Peter and the papacy — but not over the Pope.

I respond more broadly than in Chapter Sixteen above where the same question was treated. The argument against me fails from equivocation. For above the discourse was about the authority of eminence — where the power of the Church was compared with that of the Pope, and it was said the Pope is moderator and director of the power of the Church and not the reverse. Here however the discourse is about the authority of efficacy. And these are entirely compatible — that the applicative power of ecclesiastical power according to eminence is in the Pope alone, and yet that the power of the Church can authoritatively bring about the conjunction of Peter with the papacy, not by exceeding the Pope in eminence, but by being superior to the conjunction itself which is less than the Pope.

For the power over the conjunction of Peter with the papacy in the state in which that conjunction is

corruptible by divine law — through the heresy of the person — is not power over the Pope as Pope, but over Peter as this disposed subject. The papacy is not the Pope — just as lordship is not the lord. And the Pope is something more than the conjunction. Hence it is one thing to be able over the Pope, and another over Peter the Pope — just as it is one thing to be able over the composite and another over the form.

CHAPTER TWENTY-TWO

*On the statement that the Pope can commit the
depositive power of a heretical Pope to the college of
cardinals*

I said in the same twenty-first chapter that the Pope could commit the depositive power of a heretical Pope to the college of cardinals.

It is objected that I cannot so saying maintain myself without an equal having authority over an equal.

I respond that it most easily follows from this that an equal does not have authority over an equal — because the depositive power is not over the Pope but over the conjunction of Peter with the papacy. Which conjunction is not the equal of the Pope. And the reason why such a depositive power of the Pope — though lesser than the papacy — is not removable from the Church by the Pope is promptly given: because by divine law it belongs to her against a

heretical Pope, as is clear from what was said in the little book.

CHAPTER TWENTY-THREE

*On the statement that the Pope can be deposed
only for infidelity — because infidelity alone
among crimes is contrary to the being of the
Pope*

I said in chapter twenty-six the reason why the Pope can be deposed only for infidelity — because infidelity alone among crimes is contrary to the being of the Pope.

It is objected against this argument in two ways. First because it is false that faith is required for the being of the Pope — since if the Pope becomes a heretic he is still Pope in my view — for the baptismal character suffices. Second because this argument would prove equally that he could not be deposed for heresy — because heresy is not opposed to the being of the Pope.

I respond that my argument was not understood as it is. For studiously I did not place among the conditions required for the being of the Pope faith — but Christianity — so as to exclude this objection. Nor did I assume that infidelity alone among vices is contrary to faith, but to Christianity — or to the

condition required for the being of the Pope, as is clear in the little book. For it is established that the state of Christianity, which constitutes one a member of Christ, is opposed only by infidelity among vices. And that Christianity is necessarily required for the being of the Pope. And in the same book in chapter twenty-seven I clearly manifested the difference between Christianity and faith — and that Christianity is a certain ecclesiastical state constituted from the character and faith.

But that the force of the argument may be better perceived from the conclusion intended and from the direct opposition of infidelity — it must be considered that the conclusion intended from that argument is not that the Pope has non-being on account of infidelity — but that he is disposed most proximately to non-being, which the conclusion signifies in saying he is to be deposed. And therefore it is not necessary that infidelity be so opposed to Christianity as to take away the being of a Christian totally. If indeed it took this away, it would infer not a Pope to be deposed but a deposed Pope. But it suffices that it is opposed to Christianity in such a way that it constitutes the Christian man — as much as is from the part of the man — in the non-being of Christianity. Through this non-being of Christianity in Peter the Pope, Peter the Pope is constituted in the being of the deposable — because through such non-being he is disposed in such a way that he can be deposed, as is clear from what was said in the little book.

And it is manifested from the office of the Pope. For when the office of the Pope is to feed by doctrine and by work — when he has formed faith, as a healthy man he lives in the papacy. When moreover he has formless faith through lost charity, he feeds no longer by example but by doctrine only — and through this he is as it were sick in the papacy. If finally he has also lost faith entirely — he is now not even capable of feeding by doctrine — and as it were dead, placed in the extremities of life, incapable for every work, he is disposed that by the death of deposition he be removed from the papal life.

Hence the response to the first is clear — because it is not an obstacle to the argument that infidelity stands with the being of the Pope, as is clear from what has been said. And you can say the same sentence in one word — that faith is necessary for the being of the Pope simply, although it is not necessary for the being of the Pope thus — namely as it were of one who is dying. Indeed from the fact that it constitutes the Pope in the being of the Pope simply, and its opposite constitutes in the being of the Pope as it were of one who is dying — it manifestly follows that it constitutes the Pope in the being of the deposable.

And through this the solution of the second is clear. For heresy does not stand with the being of a Christian simply, nor with the being of the Pope simply — although it does not take away the being of either totally. But because it constitutes the non-being of a Christian, as much as is from the part of the man — therefore it constitutes one disposed to the

non-being of the Pope, since the being of the Pope simply presupposes the being of a Christian simply.

But the argument fails in this — because it took this argument as if it inferred the non-being of the Pope in such a way that he would be deposed. The contrary of which is patent in the letter.

The argument therefore remains not yet found to have less than when it was set in its place — as I said I desired.

CHAPTER TWENTY-FOUR

On the statement that from Sacred Scripture the case of heresy alone is excepted from the Pope's immunity from punishment with respect to the Church

I said in the same twenty-sixth chapter, joined with the twenty-fifth, that from Sacred Scripture the case of heresy alone is excepted from the Pope's immunity from punishment with respect to the Church.

It is objected. Because in Sacred Scripture it is found that even other criminals are to be separated — as is clear from First Corinthians 7: "If he who is called a brother among you is a fornicator, or covetous, or serving idols, or a railer, or a drunkard, or a rapacious person — with such a one do not even eat." And the Lord in Matthew 18 suggests that a man is to be excommunicated for any mortal sin to which

contumacy is attached. And if these texts were glossed as being of subjects on earth, similarly the texts cited by you concerning the heretic will be glossed. And to the sayings of the Savior and of Peter it is conceded that as long as they teach well and remain as prelates, they are to be heard.

I respond. When all Sacred Scripture is from one author who is the Holy Spirit and is as one integral doctrine of divine law, it is not glosses but the text that must be attributed credit for it — when from the conjunction of diverse passages of Scripture the sense of one is gathered. And thus it is in the matter at hand. For when on account of heresy most of all — and also on account of other crimes — many are by divine law to be separated from the Church, and an exception is made concerning the prelates alone by divine law itself in crimes other than infidelity — it is gathered manifestly without our glosses that on account of the remaining many crimes the prelate is simply not comprehended. But on account of infidelity alone is the prelate by divine law ordered to be separated. Scripture therefore speaking of the heretic is common to prelates and subjects — because no exception is made therein of the prelate. But speaking of other crimes the prelate is simply not comprehended — because it exempts him.

To the response moreover given to the exception of the Lord and of Peter — when the prelate is exempted — it is said that that response can be well and badly understood. Well indeed if the sense be: as long as he teaches well per se and is a prelate, he feeds — and thus nothing stands against what is proposed.

For faith of Christ is that by which doctrine is made, and which sustains the prelate in the being simply — and thus as long as they have faith, they have wherewith to rightly teach per se and are prelates, as much as is by divine law, as is clear in the little book. Badly moreover if the sense be that the prelate is not to be removed but if he be tolerated he is to be heard — since when in the greater is included the lesser, and it is more to hear the evil prelates with effect and to obey them than to tolerate them, as is evident — it follows that the mandate of the Lord and of Peter concerning obedience to the prelate of evil life and good doctrine includes in itself the mandate concerning tolerance by those same to whom it enjoins obedience. And thus the authority of divine law cited — efficacious to the purpose — remains founded upon the firm rock.

CHAPTER TWENTY-FIVE

On the statement that in the sole case of heresy the Pope is subject to the Church in such a way that he can be deposed

I said in the same twenty-sixth chapter conclusively that in the sole case of heresy the Pope is subject to the Church in such a way that he can be deposed.

It is objected. First — because in the epistle of Clement to James, from the mouth of the Apostle Peter, it is ordained that Pope Clement be deposed on

account of negligence. The Church indeed does not spurn that epistle — which suffices. Second — because when the Church is the judge of the Pope in the case of heresy, and she does not have such power except from Matthew 18, and there the case of heresy is not commemorated any more than any other with contumacy — it follows that not only in the case of heresy is the Church the judge of the Pope. Third — because if the vicar of an absent king governed tyrannically, the community could depose him — therefore the Church can depose the vicar of Christ the Lord, if he governs tyrannically.

I respond. That epistle is rejected with the same facility with which it is received — indeed it is rejected with the greater, as is clear from the opposite decree in distinction 40, chapter "If the Pope" — where it is said that the Pope, manifestly on account of negligence, is not to be judged — calling it pernicious. Hence the authority of that text does not suffice. But the authority of the Lord cited in the second place manifests the power of the Church over subjects to it as such — and therefore when the Pope from other passages of Sacred Scripture is not subject to the Church except in the case of heresy, it follows that from that sentence of the Lord the Church does not have power over him who is Pope except in the case of heresy. For what is not expressed there is sufficient to be found declared elsewhere.

To the third it is said that that similarity fails in two ways. First — because the free community has the power of deposing a prince who is king — namely if he governs tyrannically — and therefore it is not

remarkable if it can depose even the vicar of his. But the Church is the servant of its ruler Jesus Christ. Second — because the pure human king absent is supposed and governing only through his vicar. But our king is so absent in body that through himself he hears the complaints against his own vicar from the Church and individual members. And therefore it is not for the Church to depose his vicar — but recourse is to be had to the ruler who hears and is ready to hear.

CHAPTER TWENTY-SIX

On the statement that on account of scandal the head is not to be cut off — according to the sentence of the Lord in Matthew 18

I said in the same twenty-sixth chapter that on account of scandal the head is not to be cut off — according to the sentence of the Lord in Matthew 18.

It is objected. Although the head is not to be removed totally in such a way that there will never be any future head — nevertheless this head is to be removed, without which life remains in the body — indeed which infects the body as much as is from itself.

I respond that from the words of the Lord negatively — as was said in that little book — it is taken that neither totally nor this head is to be cut off. For it is expressly said "If your hand, your eye, your foot" —

for the pronoun adjoined shows that it speaks of a member. And consequently we take as denied of this head — that it be cut off. It is also false that without this head life exists — since it itself in the place of the Lord saves the Church, as is said in the chapter "If the Pope," distinction 40. Nor does this head infect — but it teaches rightly. Though the abuse of capital power in this one infects as much as is from itself the Church — not this head but the abuse of it in the fault — and it is not to be cut off but the abuse of it is to be countered with fitting remedies.

CHAPTER TWENTY-SEVEN

*On the statement that God provided most well
for the Church, disposing that the remedy of
prayer be used against a bad Pope, and not the
power of deposition*

I said in chapter twenty-seven that God provided most well for the Church, disposing that the remedy of prayer be used against a bad Pope — and not the power of deposition.

It is objected in three ways. First — because the ecclesiastical polity would be less well instituted than the civil. And the consequence holds — because the civil can persistently depose a ruler governing tyrannically — but the ecclesiastical could not. Second — because God would have taken away from the

community of the Church the power naturally befitting and necessary for peaceable conversation — such as is the depositive power of a ruler in the case of tyranny. And the consequence holds — because such power naturally befits a perfect and free community. Third — because to say that God could have instituted a more opportune remedy than the prayer of the Church — namely the depositive power — and to say that He left no other remedy than prayers — is to say that the ecclesiastical polity was not well instituted and was made a slave by the strictest servitude.

I respond. God far better and more eminently instituted the ecclesiastical commonwealth than the civil — because He instituted it with a proximate and homogeneous head, living in perpetuity, without the capacity of erring, present spiritually to the vows of all and each everywhere. For this is the institution of the Christian commonwealth simply. Concerning the institution moreover for a time — namely of the bodily absence of our ruler — it is said also that it is optimal when it accords with the primary institution. And since the Christian commonwealth according to its primary institution is born a servant, and all power is in its natural ruler — therefore the institution for a time also optimally accords with it — so that not to the community but to the vicar of the ruler is full power committed, as has been said. And that the commonwealth, as long as the vicar of the ruler is simply under the ruler — which happens through being a Christian simply — recognizes a living ruler, and has recourse to him who hears and is ready to hear.

And know that it happens that men are deceived in this matter — as if from the negation of the mode to the negation of the thing. For when the deposition of the Pope may happen in many ways — namely through human providence and through the persevering prayer of the Church — and there is need for neither mode except in the case of true necessity — from the fact that it is not conceded to the Church that it can depose through the way of human providence, it does not follow that it is not conceded to the Church that it can depose the Pope. For another way — namely of persevering prayer — infallibly can do it. For what we can through friends, the philosopher testifies we can in some way through ourselves — how much more what we can through the Father.

To the first therefore the consequence is denied — and to the proof it is said that each polity — namely both the civil and the ecclesiastical — can depose a ruler governing tyrannically — but in different ways. Because the civil, perfect and free, by way of power and through human providence — the ecclesiastical moreover through the power of its Father, through the perseverance of prayer, when it truly must. And this way is indeed more excellent and not capable of erring as the first — is better. And therefore not less well but better provision has been made for the ecclesiastical commonwealth concerning the mode of casting off from itself an evil minister — than for the civil.

To the second the consequence is also denied — because the Christian community is born a servant,

and through this by natural law there does not belong to it some power over its own ruler. And consequently neither over the ruler's vicar, unless it be granted to it by the ruler. Hence although it is true that the ecclesiastical community distinct against the ruler does not have authoritative power over the ruler and his vicar governing tyrannically — nevertheless it was not taken away from it by Christ, or by any other mode. But from its own nature, because it is born a servant, it contracted this negation.

To the third moreover it is said that there would not have been a more opportune remedy through human providence than the persevering prayer of the Church. Both because human providence can be deceived — for the thoughts of mortals are timid and our providence uncertain. But the persevering prayer of the Church cannot be deceived. We would perhaps depose when it is not necessary — not foreseeing future things nor scrutinizing hidden things. But the persevering prayer of the Church will not depose when it ought not — because the good Lord denies what we will, that He may give what we would prefer. And because it is easier, less impeded, and more efficacious — the prayer of the Church persevering through itself in the necessary things for the salvation of the Church — than the whole providence of all men. For the first agrees with difficulty, can be impeded by power, and does not have all things as subjects. But the described prayer agrees easily, cannot be impeded by any human power, and has all things as subjects under God.

It is remarkable moreover concerning the subjoined things — namely to say that God left only the remedy of prayers, and so forth. For only this remedy as supreme and simply efficacious we say was left — with many other remedies existing through the way of admonition, and so forth. I say moreover remarkable — because when we are naturally defended by the same things by which we exist and are preserved — and the Christian commonwealth is augmented by prayer and constituted in one fold — with the Father saying to Christ "Ask of me and I will give you the nations as your inheritance" — and is preserved by prayer — Christ saying to Peter "I have prayed for you, that your faith may not fail" — by natural order as well it is to be defended by prayer against one governing tyrannically.

I say remarkable — unless someone thinks that the persevering prayer of the Church can possibly fail in its true necessity — which to be near to infidelity, if infidelity is not, seems to my small judgment. For it seems to derogate from the divine providence which it has in particular concerning its Church. For if nature does not fail in necessary things — how will God who gave Himself to the Church fail her in necessary things, with the conditions to be preserved on the part of the Church being preserved, as is clear from the described conditions of prayer?

I say finally remarkable — who, if this efficacious remedy of the prayer of the Church, and so forth, is undoubtedly believed — why is provision said to be insufficiently made for the Church concerning the opportune remedy for excluding from the Church a

tyrannical Pope? And through this mode of excluding the Pope as tyrant from the Church, satisfaction is given to all the things objected concerning the body with respect to the contagious member — and concerning the children. For all things indeed the persevering prayer of the Church suffices — for whose zeal I undertook this labor of responding — judging that although not to all, yet to certain frivolous objections, I have responded — and this time it is not to be criticized.

Therefore I ask the readers that they show themselves equitable interpreters or censors — for I wish nothing here or elsewhere attributed to me but to reason or to the authority cited. And this also everywhere and always — under the correction of the Holy Roman Church.

*Rome, the 26th of November, 1512. To the praise and glory of
our Lord Jesus Christ. Amen.*

— **FINIS** —

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